

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-10/2020-DS-II**Dated:04-01-2023****To,**

All Internet Service Licensee's

**Subject: CS (Comm) No. 275 of 2020; DISNEY ENTERPRISES, INC. & ORS. Vs
KIMCARTOON.TO & ORS. before Hon'ble Delhi High Court**

In continuation to Department of Telecommunications even no. letters dated 11.08.2020, 22.10.2020, 04.02.2021, 01.07.2021, 08.11.2021, 03.02.2022 & 28.03.2022; kindly find the enclosed Hon'ble Delhi High Court orders dated 09th December 2022 & 27th July 2020 along with application provided by the plaintiff for impleadment of defendant no. 157 to 159, for compliance in the subject matter case C.S.(Comm) No. 275 of 2020. DoT is defendant No. 47 in the case.

2. Hon'ble Court in order dated 27th July, 2020 has, inter alia, directed that:

11. (i)(a) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in play by defendant nos. 1 to 37 to grant access to the websites referred to in paragraph 7.3 hereinabove.

(iii) Defendant nos. 47 and 48 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of defendant nos. 1 to 37 as also qua mirror/redirect/alphanumeric websites of the said defendants, which are referred to in paragraph 7.3 above.

3. Hon'ble Court order dated 09th December 2022 has, inter alia, state that:

I.A.No. 20582/22 (application under section 1 Rule 10 CPC filed by the plaintiff for impleadment of the additional mirrors)

*Keeping in view the overall circumstances, the application is allowed and the additional mirrors/links/URLs/redirects as mentioned in **Para no 2** are impleaded as defendants no. **157 to 159**.*

These newly impleaded defendants shall obviously be subject to the interim directions dated 27.07.2020.

4. Accordingly, in view of the above, all the Internet Service licensees are notified to take immediate necessary blocking action for compliance of the court

order dated 09th December 2022 read with order 27th July 2020 with respect to websites of defendant no. 157 to 159 as mentioned in **Para 2** of the impleadment application (copy enclosed) as provided by advocate for the plaintiff.

ADET (DS-II)
Tel: 011-2303 6760
Email: adetds2-dot@gov.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 for kind information and necessary action (Respondent no. 48 in the case)
- ii. Lawyer/advocate for the plaintiff for kind information.
- iii. DoT website.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 275/2020
DISNEY ENTERPRISES, INC. & ORS.

..... Plaintiff

Through: Ms. Suhasini Raina,
Ms. R.Ramya and Ms. Mehr Sidhu, Advs
(M: 8879106222)

versus

KIMCARTOON.TO & ORS.

..... Defendant

Through: Mr. Vikram Jetly with
Ms. Shreya Jetly, Advs. for D- 47 and 48
(M: 9811157321)

CORAM:
SIDHARTH MATHUR (DHJS), JOINT REGISTRAR
(JUDICIAL)

% **ORDER**
09.12.2022

List the matter for the date and purpose already fixed
i.e. 20.01.2023.

**I.A.No 20583/22 (application under section 151 CPC filed
by the plaintiffs for exemption from filing the original /
certified /legible copies of the documents)**

Heard. Perused.

Keeping in the view the formal nature of the
application, the same is allowed.

**I.A.No. 20582/22 (application under section 1 Rule 10
CPC filed by the plaintiff for impleadment of the
additional mirrors)**

The plaintiff is seeking to implead additional
mirrors/links/URLs/redirects as mentioned in Para no 2
whereby the copyrighted contents of the plaintiff are being

illegally distributed. The record suggests that similar orders were passed on 29.09.2021; 21.12.2021 and 16.03.2022 whereby such like mirrors were impleaded.

The plaintiffs have bolstered their claims made in the present application with the support of the investigators affidavit.

Keeping in view the overall circumstances, the application is allowed and the additional mirrors/links/URLs/redirects as mentioned in Para no 2 are impleaded as defendants no. 157 to 159.

These newly impleaded defendants shall obviously be subject to the interim directions dated 27.07.2020.

The plaintiffs have already filed the amended memorandum of parties.

**SIDHARTH MATHUR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

DECEMBER 9, 2022/PU

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

+ **CS(COMM) 275/2020**

DISNEY ENTERPRISES, INC. & ORS.Plaintiffs
Through Mr. Saikrishna Rajagopal with Mr.
Sidharth Chopra, Ms. Sneha Jain and
Ms. Disha Sharma, Ms. Snehima
Jauhari and Ms. Surabhi Pande, Advs.
Versus

KIMCARTOON.TO & ORS.Defendants
Through None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

27.07.2020

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[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A. No.6090/2020

1. Allowed, subject to the plaintiffs curing the deficiencies referred to in the captioned applications within five days of the lockdown *qua* this Court being lifted.

I.A. No.6091/2020

2. This is an application filed under Section 80 read with Section 151 of the CPC. *Via* this application, the plaintiffs seek an exemption from serving notice on defendant nos. 47 and 48.

3. To be noted, defendant no. 47 is the Department of Telecommunications (DoT) while defendant no. 48 is the Ministry of Electronics and Information Technology (MEITY).

3.1 Ordinarily, the Union of India ought to have been sued, *albeit*,

through DOT and MEITY.

4. However, this is an error of description and not intent and, hence, need not detain me so as to proceed further in the matter.

5. Accordingly, the prayer made in the application is allowed for the reasons given therein.

CS(COMM) No. 275/2020 & I.A. No.6089/2020

6. Issue summons in the suit and notice in the captioned application *via* all means including email.

7. The plaintiffs constitute companies, which are incorporated in various states of the United States of America.

7.1 The plaintiffs are *inter alia* in the business of creation, production and distribution of motion pictures/cinematograph films.

7.2 The plaintiffs are aggrieved by the fact that certain rogue websites are enabling the down-streaming of their creative work which includes films and other entertainment programmes, *albeit*, without requisite licenses. The plaintiffs aver that they have the copyright in the content of their creative works and, hence, need to be protected.

7.3 The rogue websites are arrayed as defendant nos. 1 to 37. The details of these websites, as set forth in the plaint, are extracted hereafter:

S.No.	Domain Name	URL	IP Address
	Defendant No. 1		
1.	Kimcartoon.to	https://kimcartoon.to/	104.26.4.133 104.26.5.133
2.	kisscartoon.me	http://kisscartoon.me	104.27.190.129 104.27.191.129
3.	kisscartoon.se	http://kisscartoon.se	104.28.20.225 104.28.21.225
4.	kisscartoon.com	http://kisscartoon.com	192.64.119.34
5.	kisscartoon.nl	https://kisscartoon.nl/	104.24.122.185

			104.24.123.185
6.	kisscartoon.ac	http://kisscartoon.ac	104.27.146.195 104.27.147.195
7.	kisscartoon.is	http://kisscartoon.is	104.26.8.56 104.26.9.56
8.	kisscartoon.eu	http://kisscartoon.eu/	104.24.104.204 104.24.105.204
9.	kisscartoon.es	http://kisscartoon.es/	104.28.10.40 104.28.11.40
10.	kisscartoon.bz	http://kisscartoon.bz/	78.142.29.4
11.	kisscartoon.xyz	https://www16.kisscartoon.xyz/	104.28.14.4 104.28.15.4
12.	kisscartoons.co	http://kisscartoons.co/	104.18.58.148 104.18.59.148
13.	kisscartoon.ro	https://kisscartoon.ro/	104.18.56.11 104.18.57.11
14.	kisscartoon.love	https://www1.kisscartoon.love/	104.31.80.60 104.31.81.60
15.	kisscartoon.info	https://kisscartoon.info/	104.18.38.113 104.18.39.113
	Defendant No. 2		
16.	Tv.xgomovies.com	https://tv.xgomovies.com/	160.153.208.136
17.	xgomovies.com	https://xgomovies.com/	160.153.208.136
	Defendant No. 3		
18.	Europixhd.io	https://europixhd.io	104.24.104.153 104.24.105.153
19.	europixhd.net	http://europixhd.net	104.31.76.231 104.31.77.231
20.	europix.biz	https://europix.biz/	104.27.138.15 104.27.139.15
21.	topeuropix.com	https://topeuropix.com/	104.27.164.14 104.27.165.14
	Defendant No. 4		
22.	Lookmovie.ag	https://lookmovie.ag	104.31.0.179 104.31.1.179
23.	lookmovie.ch	https://lookmovie.ch/	104.18.50.223 104.18.51.223
24.	lookmovie.co	https://lookmovie.co/	104.18.56.6 104.18.57.6
	Defendant No. 5		
25.	lookmovie.pro	https://lookmovie.pro/	207.180.251.37
	Defendant No. 6		

26.	123movieshub.vip	https://123movieshub.vip	104.18.58.193 104.18.59.193
27.	123movieshub1.com	https://123movieshub1.com/	104.28.26.197 104.28.27.197
28.	123movieshub.one	https://ww.123movieshub.one/ /	104.27.172.121 104.27.173.121
29.	123movieshub.town	https://123movieshub.town/	104.27.134.61 104.27.135.61
30.	123movieshub.eu	https://123movieshub.eu/	104.27.132.58 104.27.133.58
Defendant No. 7			
31.	cinebloom.pro	https://cinebloom.pro/	207.180.216.107
32.	cinebloom.biz	https://cinebloom.biz/	104.28.30.93 104.28.31.93
Defendant No. 8			
33.	Cinebloom.org	https://www.cinebloom.org	104.28.4.203
Defendant No. 9			
34.	m.wcostream.com	https://m.wcostream.com	192.162.136.33
35.	wcostream.com	https://www.wcostream.com	192.162.136.33
36.	watchcartoononline.io	http://watchcartoononline.io	104.28.16.39 104.28.17.39
37.	thewatchcartoononline.tv	https://www.thewatchcartoon online.tv/	192.162.136.33 192.162.137.229
38.	wco.tv	https://www.wco.tv/	91.215.159.214
Defendant No. 10			
39.	Moviesjoy.net	https://www1.moviesjoy.net	104.31.68.53 104.31.69.53
40.	moviesjoys.in	https://moviesjoys.in/	104.28.30.186 104.28.31.186
Defendant No. 11			
41.	moviesjoy.pro	https://moviesjoy.pro/	207.180.216.107
Defendant No. 12			
42.	afdah.info	https://afdah.info	104.31.6.165 104.31.7.165
43.	afdah.site	https://afdah.site/	104.27.184.207 104.27.185.207
44.	afdah.email	https://afdah.email/	104.24.122.252 104.24.123.252
45.	afdah.surf	https://afdah.surf/	104.27.168.127 104.27.169.127
Defendant No. 13			
46.	P30download.com	https://p30download.com/	5.144.130.116

	Defendant No. 14		
47.	kiss-anime.ws	https://www.kiss-anime.ws	104.26.4.69 104.26.5.69
48.	kiss-anime.me	http://kiss-anime.me	104.31.66.23 104.31.67.23
49.	kissanime.monster	https://kissanime.monster/	104.18.36.32 104.18.37.32
50.	kissanime.pro	https://kissanime.pro/	104.24.118.210 104.24.119.210
51.	kissanime.fm	https://kissanime.fm/	104.24.106.34 104.24.107.34
52.	kissanime.nz	https://kissanime.nz	104.26.12.106 104.26.13.106
	Defendant No. 15		
53.	Proxyof.com	http://proxyof.com	104.18.36.49 104.18.37.49
	Defendant No. 16		
54.	Yeshollywood.org	https://yeshollywood.org	104.31.76.41 104.31.77.41
	Defendant No. 17		
55.	moviesonlinewatch.com.pk	http://moviesonlinewatch.com.pk	104.28.4.149 104.28.5.149
56.	movieswatch.com.pk	http://www.movieswatch.com.pk/	104.26.6.6 104.26.7.6
	Defendant No. 18		
57.	Watchfriendsonline.net	http://watchfriendsonline.net	104.24.112.58 104.24.113.58
58.	watchfriendsonline.eu	https://watchfriendsonline.eu/	104.24.100.47 104.24.101.47
59.	iwatchfriends.net	https://iwatchfriends.net/	104.27.168.9 104.27.169.9
	Defendant No. 19		
60.	Nyaa.si	https://nyaa.si	185.178.208.182
	Defendant No. 20		
61.	Horriblesubs.info	https://horriblesubs.info	104.24.108.17 104.24.109.17
	Defendant No. 21		
62.	Gogoanime.video	https://gogoanime.video	104.31.70.253 104.31.71.253
63.	gogoanime.in	http://gogoanime.in	104.27.136.219 104.27.137.219
64.	gogoanime.tv	http://gogoanime.tv	104.28.2.206

			104.28.3.206
65.	gogoanime.io	https://www15.gogoanime.io	94.242.62.229
66.	gogoanime.se	http://gogoanime.se	104.24.98.74
			104.24.99.74
67.	gogoanimes.co	http://gogoanimes.co	104.27.146.10
			104.27.147.10
68.	gogoanimehub.tv	https://www4.gogoanimehub.tv	104.18.32.30
			104.18.33.30
69.	gogoanimehub.com	https://www11.gogoanimehub.com	104.27.142.246
			104.27.143.246
70.	gogoanime.pro	https://gogoanime.pro/	104.28.18.241
			104.28.19.241
71.	gogoanime-io.net	http://gogoanime-io.net/	104.27.164.86
			104.27.165.86
72.	gogoanime.cool	https://gogoanime.cool/	104.18.36.96
			104.18.37.96
	Defendant No. 22		
73.	9anime.to	https://9anime.to	104.24.104.31
			104.24.105.31
74.	9anime.ru	https://9anime.ru	104.27.156.26
			104.27.157.26
75.	9anime.nl	https://9anime.nl	104.31.68.79
			104.31.69.79
76.	9anime.live	https://9anime.live	104.28.8.134
			104.28.9.134
77.	9anime.life	https://9anime.life	104.18.42.83
			104.18.43.83
78.	9anime.one	https://9anime.one	104.27.170.68
			104.27.171.68
79.	9anime.page	https://9anime.page	104.27.186.190
			104.27.187.190
80.	9anime.video	https://9anime.video	104.27.132.234
			104.27.133.234
81.	9animes.net	https://ww.9animes.net/	104.27.188.240
			104.27.189.240
	Defendant No. 23		
82.	Animedao.com	https://animedao.com	104.18.54.81
			104.18.55.81

	Defendant No. 24		
83.	Hdmovies.club	https://hdmovieshub.club/	104.27.132.62 104.27.133.62
84.	hdmovieshub.cc	https://hdmovieshub.cc/	104.28.4.3 104.28.5.3
85.	hubflixhd.in	http://hubflixhd.in	104.24.106.81 104.24.107.81
	Defendant No. 25		
86.	movies123.pics	https://movies123.pics	104.27.184.67 104.27.185.67
87.	Movies123.pro	http://movies123.pro	104.18.56.188 104.18.57.188
88.	movies123.top	https://movies123.top	104.28.24.36 104.28.25.36
	Defendant No. 26		
89.	Animeram.cc	https://ww2.animeram.cc	104.18.52.81 104.18.53.81
	Defendant No. 27		
90.	Iptorrents.com	https://iptorrents.com	104.20.222.73 104.20.223.73
91.	ipt-update.com	http://ipt-update.com	104.28.4.103 104.28.5.103
92.	iptorrents.us	http://iptorrents.us	104.18.62.146 104.18.63.146
93.	ipt.lol	https://ipt.lol	104.31.94.99 104.31.95.99
94.	ipt.beelyrics.net	https://ipt.beelyrics.net	104.31.92.247 104.31.93.247
95.	ipt.findnemo.net	https://ipt.findnemo.net	104.18.44.247 104.18.45.247
96.	ipt.getcrazy.me	https://ipt.getcrazy.me	104.24.96.186 104.24.97.186
97.	ipt.venom.global	https://ipt.venom.global	104.27.136.53 104.27.137.53
98.	ipt.workisboring.net	https://ipt.workisboring.net	104.24.126.216 104.24.127.216
99.	iptorrents.eu	https://iptorrents.eu/	104.25.150.17 104.25.151.17
100.	nemo.iptorrents.com	https://nemo.iptorrents.com/	104.20.222.73 104.20.223.73
	Defendant No. 28		
101.	Torrentdownload.info	https://www.torrentdownload.	104.18.50.86

		info/	104.18.51.86
	Defendant No. 29		
102.	All123movies.com	https://ww1.all123movies.com	104.27.186.203 104.27.187.203
	Defendant No. 30		
103.	Cartooncrazy.tv	https://ww1.cartooncrazy.tv	104.26.0.128 104.26.1.128
104.	cartooncrazy.net	http://www.cartooncrazy.net/	104.26.10.72 104.26.11.72
	Defendant No. 31		
105.	Unblockit.red	https://unblockit.red	104.26.8.196 104.26.9.196
	Defendant No. 32		
106.	Vumoo.to	http://vumoo.to	104.27.134.49 104.27.135.49
107.	vumoo.life	https://vumoo.life/	104.24.118.75 104.24.119.75
108.	vumoo.xyz	https://vumoo.xyz/	104.27.186.110 104.27.187.110
	Defendant No. 33		
109.	Yourbittorrent2.com	https://yourbittorrent2.com/	104.31.74.122 104.31.75.122
	Defendant No. 34		
110.	Openloadmovies.ac	https://openloadmovies.ac	104.28.10.209 104.28.11.209
111.	openloadmovies.net	http://openloadmovies.net	104.24.106.76 104.24.107.76
112.	openloadmovies.bz	http://openloadmovies.bz	104.31.72.26 104.31.73.26
113.	openloadmovies.uk	https://openloadmovies.uk/	104.27.130.48 104.27.131.48
114.	openloadmovies.ch	https://openloadmovies.ch/	104.27.188.50 104.27.189.50
	Defendant No. 35		
115.	Solarmovie.id	https://ww1.solarmovie.id	104.27.140.75 104.27.141.75
	Defendant No. 36		
116.	Hdmovie2.com	https://hdmovie2.com/	104.31.76.223 104.31.77.223
	Defendant No. 37		
117.	9kmovies.club	https://9kmovies.club	104.27.146.148 104.27.147.148

118.	9kmovies.red	http://9kmovies.red	104.24.104.67
			104.24.105.67

8. Besides the aforementioned rogue websites, the plaintiffs have also arrayed the Internet Service Providers (ISPs). These ISPs are arrayed as defendant nos. 38 to 46.

8.1 Furthermore, to ensure that the ISPs block access to the aforementioned rogue websites, the plaintiffs have also arrayed the concerned department i.e. DOT and the concerned ministry of the Union of India i.e. MEITY as defendant nos. 47 and 48 respectively.

9. I have heard Mr. Saikrishna Rajagopal in support of the case put forth by the plaintiffs.

10. According to me, the rogue websites which enable streaming of the creative works of the plaintiffs in which they have copyright, *albeit* illegally, is a cause for concern. In sum, it is the plaintiffs' case that the rogue websites are indulging in digital piracy.

10.1 I am of the view that if the plaintiffs are not protected, as prayed for, irreparable damage would be caused to their commercial and statutory interest.

10.2 The balance of convenience, it appears, is also in favour of the plaintiffs.

11. Therefore, I am inclined to issue the following interim directions to protect the interest of the plaintiffs:

- (i) Defendant nos. 1 to 37 are restrained from, in any manner, hosting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same on their websites through the internet in any manner whatsoever, any

cinematograph work, content, programme and show in which the plaintiffs have copyright.

(i)(a) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in play by defendant nos. 1 to 37 to grant access to the websites referred to in paragraph 7.3 hereinabove.

(ii) Defendant nos. 38 to 46 are directed to block access to the websites of defendant nos. 1 to 37 as detailed out in paragraph 7.3 above.

(ii)(a) This direction will also operate *qua* mirror/redirect/alphanumeric websites, which have their roots in the websites of defendant nos. 1 to 37 referred to in paragraph 7.3 above.

(iii) Defendant nos. 47 and 48 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of defendant nos. 1 to 37 as also *qua* mirror/redirect/alphanumeric websites of the said defendants, which are referred to in paragraph 7.3 above.

(iv) The plaintiffs are given liberty to file an application under Order I Rule 10 of the CPC to array other rogue websites if the same are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites from illegally streaming the creative content in which the plaintiffs have a copyright.

12. The plaintiffs will comply with the provision of Order XXXIX Rule 3 of the CPC within five days of the receipt of a copy of this order.

13. Renotify the matter on 01.09.2020.

JULY 27, 2020
pmc/KK

RAJIV SHAKDHER, J

Click here to check corrigendum, if any

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)

I.A. NO. _____ OF 2022

IN

CS(COMM) NOS. 275 OF 2020

IN THE MATTER OF

Disney Enterprises, Inc. & Ors. ...Plaintiffs

Versus

Kimcartoon.to & Ors. ...Defendants

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	Service.	
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Place: New Delhi
Date: 01 December, 2022

R. Ramya /
D/5815/2018
(R. Ramya)

R.Ramya / Mehr Sidhu
(D/5815/2018) / (PH/2695/2021)
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Advocates for the Plaintiffs
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Note: The present application is being filed in a Website blocking suit. The Email ID of newly impleaded websites i.e. Defendant Nos.157 to 159 are the only publicly available contact details and have been served with a copy of the present application on the said Email IDs.

All defendants have been served a copy of the present application on their publicly available contact details i.e. Email IDs in advance and proof of service along with a supporting affidavit of Plaintiff's counsel is filed herewith.

The application under section 151, CPC seeking exemption from filing documents with proper margins, translated, original certified copies, etc. have been filed herewith for consideration by the Hon'ble Court.

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)

I.A. NO. _____ OF 2022

IN

CS(COMM) NOS. 275 OF 2020

IN THE MATTER OF

Disney Enterprises, Inc. & Ors. ...Plaintiffs

Versus

Kimcartoon.to & Ors. ...Defendants

NOTICE OF MOTION

Sir,

The enclosed Application in the aforesaid matter is being filed on behalf of the Plaintiffs and is likely to be listed on 05th December, 2022 or any date thereafter. Please take note accordingly.

Place: New Delhi

Date: 01st December, 2022

R. Ramya / Mehr Sidhu
D/5815/2018

R. Ramya / Mehr Sidhu
(D/5815/2018) / (PH/2695/2021)

Saikrishna & Associates

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IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. NO. _____ OF 2022

IN

CS(COMM) NOS. 275 OF 2020

To,

The Deputy Registrar,

High Court of Delhi,

New Delhi

IN THE MATTER OF

Disney Enterprises, Inc. & Ors.

...Plaintiffs

Versus

Kimcartoon.to & Ors.

...Defendants

Sir,

Will you kindly treat the accompanying application as an urgent one in accordance with the High Court Rules and Orders.

The grounds of urgency:

As prayed.

Yours faithfully,

Place: New Delhi

Date: 01st December, 2022

R. Ramya / Mehr Sidhu
D/5815/2018

R.Ramya / Mehr Sidhu
(D/5815/2018) / (PH/2695/2021)

Saikrishna & Associates

Advocates for the Plaintiffs

57, Jor Bagh, Delhi – 110003

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+91 9845057887



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IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)

I.A. NO. _____ OF 2022

IN

CS(COMM) NOS. 275 OF 2020

IN THE MATTER OF

Disney Enterprises, Inc. & Ors. ...Plaintiffs

Versus

Kimcartoon.to & Ors. ...Defendants

APPLICATION ON BEHALF OF THE PLAINTIFFS UNDER
ORDER I RULE 10 OF THE CODE OF CIVIL PROCEDURE,
1908 SEEKING IMPLEADMENT OF ADDITIONAL
MIRRORS, REDIRECTS, OR ALPHANUMERIC
VARIATIONS AS DEFENDANTS IN THE MEMO OF
PARTIES

MOST RESPECTFULLY SHEWETH:

1. Plaintiffs had filed the instant suit seeking permanent injunction against infringement of its copyright in its films being works of visual recording and which include sound recordings accompanying such visual recordings, unfair competition and commercial misappropriation of its exclusive rights enumerated under Section 14(d) of the Copyright Act, 1957. The Plaintiffs crave leave to refer to and rely upon the plaint which may be read as a part and parcel of this application, the contents of which are not being repeated for the sake of brevity.

2. The present application has been filed seeking impleadment of additional mirror/redirect/alphanumeric variations under Order I Rule 10 CPC as these variations merely provide access to the same websites which are the subject of the main injunction, namely, the following domains, which are also listed in Schedule A with their URLs and IP addresses:

157.Hdmovie2.fit

158.Hdmovie2.plus

159.Hdmmovie2.store

(hereinafter referred to as ‘Proposed Defendant Websites’) as Defendants Nos. 157 to 159. The additional mirror/redirect/alphanumeric variations, who the Plaintiffs are proposing to implead in the present suit are engaged in the business of hosting, streaming, retransmitting, making available for viewing and download, providing access to, and communicating to the public, third party content and information through the medium of internet and mobile transmission the Plaintiffs’ films without authorization leading to a direction/redirection of viewers from the Plaintiffs’ legal/subscription based channels to internet based viewing through such illegal means.

3. It is submitted that “Ashok Kumar” (Defendant No. 49) or “John Doe’s ” were also impleaded as party to the suit and leave of this Hon’ble Court was duly sought by the Plaintiffs to amend the memo of parties and substitute all such Ashok Kumars with specific website which were found violating the

Plaintiffs exclusive rights. In this regard, reliance is placed upon paragraph 50 of the Plaint.

4. It is submitted that vide Orders dated 16.10.2020, 22.01.2021, 04.06.2021, 29.09.2021, 21.12.2021 and 16.03.2022 this Hon'ble Court was pleased to pass an order impleading Defendant Nos. 50 to 95, 96 to 99, 100 to 128 ,129 to 143, 144 to 145 and 146-156 respectively. In accordance with the Order dated 27.07.2020, the Plaintiffs are seeking to implead the present Defendants as Defendant Nos. 157 to 159 .

5. It is submitted that *vide* Order dated 27.07.2020, this Hon'ble Court was pleased to pass an *ex-parte* ad interim Order against the said Defendant Websites and directed the ISPs to block access to the Defendant Websites. For the sake of convenience, the relevant portion of the Order is extracted herein below:

“11. Therefore, I am inclined to issue the following interim directions to protect the interest of the plaintiffs:

Defendant nos. 1 to 37 are restrained from, in any manner, hosting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same on their websites through the internet in any manner whatsoever, any cinematograph work, content, programme and show in which the plaintiffs have copyright.

(i)(a) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in play by defendant nos. 1 to 37 to grant access to the websites referred to in paragraph 7.3 hereinabove.

(ii) Defendant nos. 38 to 46 are directed to block access to the websites of defendant nos. 1 to 37 as detailed out in paragraph 7.3 above.

(ii)(a) This direction will also operate qua mirror/redirect/alphanumeric websites, which have their roots in the websites of defendant nos. 1 to 37 referred to in paragraph 7.3 above.

(iii) Defendant nos. 47 and 48 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of defendant nos. 1 to 37 as also qua mirror/redirect/alphanumeric websites of the said defendants, which are referred to in paragraph 7.3 above.

(iv) The plaintiffs are given liberty to file an application under Order I Rule 10 of the CPC to array other rogue websites if the same are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites from illegally streaming the creative content in which the plaintiffs have a copyright.”

Copy of the Order dated 27.07.2020 is attached herewith.

6. Plaintiffs in collaboration with 6 other studios had instituted 8 suits for Copyright Infringement against 30

infringing domains that were communicating to the public, Plaintiff's copyright works without their authorization. The said suits were filed before the Hon'ble High Court of Delhi, being CS(COMM) 724 of 2017 UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors., etc. Plaintiff obtained a permanent injunction against the Defendant Websites therein, vide Judgement dated 10.04.2019. It is submitted that, this Hon'ble Court was pleased to record that the Defendant Websites are Hydra Headed Rogue websites who on being blocked, actually multiply and resurface as redirect or mirror or alphanumeric websites. Further, this Hon'ble Court held that such hydra-headed websites can be blocked by filing an impleadment application under Order I Rule 10 along with the evidence against them. The relevant portion of the Judgement is reiterated herein below:

- “94. *Now, the question that arises for consideration is how should courts deal with 'hydra headed' websites who on being blocked, actually multiply and resurface as alphanumeric or mirror websites. In the present batch of matters though this Court had enjoined the main website by way of the initial injunction order, yet the mirror/alphanumeric/redirect websites had been created subsequently to circumvent the injunction orders.*
95. *It is pertinent to mention that in Greek mythology the Hydra also called Lernaean Hydra is a serpent-like monster. The Hydra is a nine-headed serpent like*

snake. It was said that if you cut off one hydra head, two more would grow back.

96. *Critics claim that website blocking is an exercise in futility as website operators shift sites—the so-called “whack-a-mole” effect.*
97. *Internationally, there has been some recent development to deal with the aforesaid menace in the form of a “Dynamic Injunction” though limited to mirror websites.*
98. *The High Court of Singapore in the case of Disney Enterprise v. M1 Ltd., (2018) SGHC 206 has after discussing the cases of 20th Century Fox v. British Telecommunications PLC, (2012) 1 All ER 869 and Cartier International AG v. British Sky Broadcasting (supra), held that the applicant was not obligated to return to court for an order with respect to every single IP address of the infringing URLs already determined by the Court. The Court held as under:-*

“38 I found that the court has the jurisdiction to issue a dynamic injunction given that such an injunction constitutes “reasonable steps to disable access to the flagrantly infringing online location”. This is because the dynamic injunction does not require the defendants to block additional FIOs which have not been included in the main injunction. It only requires the defendants to block additional domain names, URLs and/or IP addresses that provide access to the same websites which

are the subject of the main injunction and which I have found constitute FIOs (see [19] – [29] above). Therefore, the dynamic injunction merely blocks new means of accessing the same infringing websites, rather than blocking new infringing websites that have not been included in the main injunction.

39. In fact, under the dynamic injunction applied for in the present case, the plaintiffs would be required to show in its affidavit that the new FQDNs provide access to the same FIOs which are the subject of the main injunction before the defendants would be required to block the new FQDNs (see [6] above) ...

xxx xxx xxx

42. In relation to S 193DB(3)(d) of the Copyright Act, i.e, the effectiveness of the proposed order, the dynamic injunction was necessary to ensure that the main injunction operated effectively to reduce further harm to the plaintiffs. This is due to the ease and speed at which circumventive measures may be taken by owners and operators of FIOs to evade the main injunction, through for instance changing the primary domain name of the FIO. Without a continuing obligation to block additional domain names, URLs and/or IP

addresses upon being informed of such sites, it is unlikely that there would be effective disabling of access to the 53 FIOs.”

(emphasis supplied)

99. *Though the dynamic injunction was issued by the Singapore High Court under the provisions of Section 193 DDA of the Singapore Copyright Act, and no similar procedure exists in India, yet in order to meet the ends of justice and to address the menace of piracy, this Court in exercise of its inherent power under Section 151 CPC permits the plaintiffs to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC as these websites merely provide access to the same websites which are the subject of the main injunction.*
100. *It is desirable that the Court is freed from constantly monitoring and adjudicating the issue of mirror/redirect/alphanumeric websites and also that the plaintiffs are not burdened with filing fresh suits. However, it is not disputed that given the wide ramifications of site-wide blocking orders, there has to be judicial scrutiny of such directions and that ISPs ought not to be tasked with the role of arbiters, contrary to their strictly passive and neutral role as intermediaries.*
101. *Consequently, along with the Order I Rule 10 application for impleadment, the plaintiffs shall*

file an affidavit confirming that the newly impleaded website is a mirror/redirect/alphanumeric website with sufficient supporting evidence. On being satisfied that the impugned website is indeed a mirror/redirect/alphanumeric website of injuncted Rogue Website(s) and merely provides new means of accessing the same primary infringing website, the Joint Registrar shall issue directions to ISPs to disable access in India to such mirror/redirect/alphanumeric websites in terms of the orders passed.

Copy of the judgement dated 10.04.2019 is attached herewith.

7. It is submitted that the Proposed Defendant Websites are hydra headed websites and are making available and communicating Plaintiffs' Copyrighted material in which Plaintiffs have an exclusive right without permission and authorization. It is submitted that since these websites are showing Plaintiffs' content without authorization, these Proposed Defendant Websites fall squarely within the scope of the Judgement dated 10.04.2019 passed and the Plaintiffs are entitled to seek their impleadment and extension of the injunction Order.
8. In the light of the above, it is imperative to implead the Proposed Defendant Websites. This Hon'ble Court ought to extend the *ex-parte ad-interim* injunction against the

Proposed Defendant Websites. Further the evidence produced by the Plaintiff, establishes that the Defendant Websites are merely providing a new means of accessing the same primary infringing websites that have been enjoined. Therefore, the said Defendant Websites ought to be blocked, and that this Hon'ble Court ought to issue directions to the ISPs to disable access. Further, this Hon'ble Court in its Judgment dated 10.04.2019 has settled the law on impleadment of such mirror/redirect/alphanumeric Websites. The relevant portions of the judgement are extracted hereinbelow:

“ ...
107. Keeping in view the aforesaid finding ... the plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined...”

9. It is submitted that the Plaintiffs have, through its counsels, served Legal Notice to the Proposed Defendant Websites, calling upon them to cease and desist from indulging in such infringing activities. However, till date, the Defendant Websites have failed to stop their infringing activities.

10. Thus, in light of the above, it is imperative that the Proposed Defendant Websites are impleaded in the instant suit as Defendants to safeguard the interest of the Plaintiffs.

PRAYER:

11. In view of the above, Plaintiffs humbly prays that this Hon'ble Court may be pleased to:
 - a. Implead the Proposed Defendant Websites whose domains, subdomains and subdirectories are listed above whose domains, URLs and IP are listed in the attached Schedule A, as *Defendant Nos. 157 to 159*, to the instant suit and extend the *ex-parte ad-interim* injunction dated 27.07.2020;
 - b. Pass an order directing the Defendants No. 38 to 46, their directors, partners, proprietors, officers, affiliates, 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, to block access to the Proposed Defendant Websites listed in Schedule A;
 - c. Pass an Order directing the Defendant Nos. 47 and 48, to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the Proposed Defendant Websites listed in Schedule A;

- d. Take amended Memo of Parties on record; and
- e. Pass any further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be passed.

It is prayed accordingly.

Place: New Delhi
Date: 01st December, 2022

R. R. V.
D/5815/2018

R.Ramya / Mehr Sidhu
(D/5815/2018) / (PH/2695/2021)
Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh, Delhi – 110003
r.ramkumar@saikrishnaassociates.com
+91 9845057887

SCHEDULE A

Injuncted Website Location (at Time of Suit)	URL of New Mirror/Redirect/ Alphanumeric Variation of Injuncted Website	Domain Name of Mirror/Redire ct/ Alphanumeric Variation of Injuncted Website	IP Addresses of New Mirror/Redirect/ Alphanumeric Variation of Injuncted Website
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IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)

I.A. NO. _____ OF 2022

IN

CS(COMM) NOS. 275 OF 2020

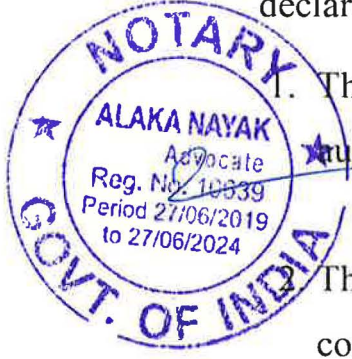
IN THE MATTER OF
Disney Enterprises, Inc. & Ors. ...Plaintiffs

Versus

Kimcartoon.to & Ors. ...Defendants

AFFIDAVIT OF MR. VISHAL AHUJA, AUTHORISED
SIGNATORY OF PLAINTIFFS, SON OF HARISH AHUJA,
AGED AROUND 39 YEARS, HAVING OFFICE AT 57, JOR
BAGH, NEW DELHI 110003, DELHI, INDIA.

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



1. That I am the authorized signatory of the Plaintiffs and am duly
authorized and competent to swear the present Affidavit.

That I have read the contents of the Application and the
contents of the same, as well as the documents filed may be
read as the part and parcel of the present affidavit, the same are
not being reproduced herein for the sake of brevity.

[Signature]

DEPONENT

f. g. c.
I identified the deponent who
has signed in my presence

VERIFICATION:

30 NOV 2022

Verified at New Delhi on this the _____ day of December 2022 that
the contents of the above Affidavit are true to the best of my
knowledge, information and belief and nothing material has been
concealed therefrom.

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

30 NOV 2022

[Signature]

DEPONENT

NOTARY