

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-26/2021-DS-II

Dated: ²¹20-12-2022

To,

All Internet Service Licensee's

Subject: CS Comm No. 324 of 2020; titled as Mcdonalds Corporation & Anr. v/s National Internet Exchange of India & Ors, before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated 1st December, 2022 in the subject matter court case CS (Comm.) No. 324 of 2020 for compliance in respect of blocking of website **mcdfranchise.in** as mentioned in the court order. DoT is defendant No. 35 in the case.

2. Hon'ble Delhi High Court vide order dated 1st December, 2022 has, inter alia, directed that:

18. In CS(COMM) 324/2020, Id. counsel for the Plaintiff submits that a domain name mcdfranchise.in has been noticed to be an unauthorized domain, and GoDaddy LLC (hereinafter "GoDaddy") has been informed of the same by affidavit, as per orders dated 17th August, 2020 and 17th September, 2020. However, the said domain name has not been locked/suspended.

*19. The Court has perused the printout of the impugned website. The said website clearly uses both McDonalds' name and the golden arch logo. It is accordingly directed that the said domain name shall be locked/suspended by GoDaddy, within 48 hours. Status quo shall be maintained as to ownership. All details relating to this domain name including the credit card details, registrant details, etc., shall be supplied to Id. Counsel for the Plaintiff within one week. **Blocking orders shall also be issued by DoT/MEITY qua mcdfranchise.in.***

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 01.12.2022, specifically in view of para 19, in respect of blocking of website **mcdfranchise.in** as mentioned in the 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. 36) for kind information and necessary action.

(ii) Lawyer/Advocate for the Plaintiffs for kind information.

(iii) DoT Website.

\$~1(OS) to 3(OS) & 5(OS) to 31(OS)

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

Date of Decision: 1st December, 2022

+ **CS (COMM) 135/2022 & I.As. 3423/2022, 9363/2022, 12156/2022**

DABUR INDIA LIMITED Plaintiff

Through: Mr. Anirudh Bakhru, and Mr. Kripa Pandi, Advocates. (M:9810013453)

versus

ASHOK KUMAR AND ORS Defendants

Through: Mr. Yashvardhan Singh, Advocate for D-1. (M:9667056770)

Ms. Kruttika Vijay, Ms. Geetanjali Viswanathan, & Ms. Aishwarya Kane, Advs. for D-5 (M-9910083144)

Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-7. (M:8800556341)

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak K. Banerjee, and Ms. Shweta Sahu, Advs. for D-4 & 15.

Mr. Harish V. Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat & Mr. Alexander Mathai Paikaday, Advocates.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

ACP Raman Lamba with Insp. Suneel Siddhu, IFSO, Special Cell.

WITH

+ **CS (COMM) 20/2019 & I.As.561/2019, 20157/2022**

TATA SKY LIMITED Plaintiff

Through: Mr. Tanmaya Mehta, Advocate. (M:75577391115)

versus

**S G ENTERPREISES – TATA SKY SALES AND SERVICES AND
ORS. Defendants**

Through: Mr. Moazzam Khan, Ms. Shweta Sahu,
Mr. Alipak Banerjee and Ms. Parva
Khare, Advs. for D-5. (M:9987115749)
Ms. Akshita Jain, Advocate for D-8.
(M:9990526912)

WITH

+ **CS (COMM) 35/2022 I.As. 819/2022, 3168/2022, 4738/2022,
8767/2022**

KAJARIA CERAMICS LIMITED Plaintiff

Through: Ms. Priya Adlakha, Mrs. Bindra Rana,
Ms. Tanvi Bhatnagar, Ms. Rima
Majumdar and Ms. Shilpi Sinha,
Advocates. (M:9818202368)

versus

GODADDY.COM LLC & ORS. Defendant

Through: Mr. Moazzam Khan, Ms. Shweta Sahu,
Mr. Alipak Banerjee and Ms. Parva
Khare, Advs. for D-1. (M:9987115749)
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.
Mr. Ashwani Kumar, Adv. for D-2.
Mr. Lakshy Aggarwal, Adv. for d-4
Ms. Kirti Bhardwaj, Adv. for D-5(b).
Mr. M.K. Singh, Advocate for Mr.
Samir, Advocate (M-9810455716)
Mr. Santosh Kr. Rout & mr. Abhishek
Chakraborty, Advocate for D-6.

WITH

+ **CS (COMM) 176/2021 & I.As. 14924/2022, 14925/2022**

SNAPDEAL PRIVATE LIMITED Plaintiff

Through: Ms. Tanya Varma & Ms. Devyani Nath, Advocates. (M:7042547106)

versus

GODADDYCOM LLC AND ORS Defendants

Through: Mr. Dayan Krishnan, Sr. Advocate with Ms. Shweta Sahu and Mr. Alipak Banerjee, Advs, for D-2,3,4,23,26,31. (M:9987115749)

Mr. Darpan Wadhwa, Sr. Advocate with Mr. Moazzam Khan, Mr. Alipak Banerjee and Ms. Shweta Sahu, Advocates for D-1 & 10.

Ms. Kruttika Vijay and Ms. Aishwarya Kane, Advocates for D-9. (M:9910083144)

Mr. Praveen Kumar Jain & Ms. Shalini Jha, for D-34. (M:9871278525)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum, Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ CS (COMM) 228/2021 & I.As. 6441/2021, 11684/2021, 1412-13/2022, 12160/2022, 12171/2022, 13443/2022, 14920/2022, 14923/2022, 17716-17/2022

BAJAJ FINANCE LIMITED Plaintiff

Through: Mr. Abhishek Singh, Mr. Jamal Anand, Mr. Elvin Joshy, Ms. Insha Mushtaq Ms. Alisha Sharma & Mr. Ujjwal.

versus

REGISTRANT OF WWW.BAJAJ-FINSERVE.ORG & ORS. Defendants

Through: Mr. Alipak Banerjee, Ms. Shweta Sahu, Ms. Parva Khare and Mr. Brijesh Ujjainwal, and Advs. for D-7, 12, 14,

17, 6, 11 & 22 (M:9987115749)
Mr. Manish Paliwal, and Ms. Himanshi Kaushik, Advocates for D-18. (M:8448257585)
Mr. Akhil Sibal, Sr. Advocate with Mr. Aditya Gupta, Ms. Aishwarya, Mr. Sauhard Alung and Ms. Asvari Jain, Advocates for D-19. (M:9910083144)
Mr. Rajshekhar Rao, Sr. Advocate with Mr. Tine Abraham, Mr. Manasa Sundaraman C., Ms. Kshipra Pyare and Ms. Mansi Sood Trileyal, Advocates for D-28. (M:9324328752)
Mr. Ashok Kumar, Advocate for D-31. (M:9810011826).
Ms. Swati Aggarwal, Ms. Binsy Susan, Mr. Aasish Samasi and Mr. Mohit Singh, Advs. for GoDaddy.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 26/2022 & I.As. 612-13/2022, 954/2022**
HT MEDIA LTD

..... Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates. (M:8017571175)

versus

POOJA SHARMA & ORS.

..... Defendants

Through: Ms. Deepika Kathuria, Adv. for D-10.
Mr. Alipak Banerjee, Ms. Shweta Sahu,
Mr. Brijesh Ujjainwal, and Advs. for

D-19. (M:9987115749)
Mr. Vihan Dang, Ms. Aditi Umapathy
and Mr. Parva Khare, Advocates for D-
20. (M:9911983636).
Mr. M.K. Singh, Advocate for Mr.
Samir Chugh, Advocate for Airtel.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 158/2022 & I.As. 3996-97/2022**
MICROSOFT CORPORATION & ANR. Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr.
Shantanu Sahay, Ms. Imon Roy and
Mr. Apoorv Bansal, Advocates.

versus

VACATION RENTAL SERVICES PRIVATE LIMITED
& ORS. Defendants

Through: Mr. Mayank Mehandra, Mr. Charu
Tandon & Mr. Sarthak Kapoor & Mr.
Raghav Tandon, Advocate for D-1 & 2.
Mr. Ramnish Khanna, Adv. for D-7.
SI Manzoor Alam, Cyber Police
Station, South-East.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 233/2022 & I.As. 5780-81/2022**
BAJAJ FINACE LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin
Sharma, Mr. Yatin Garg, Mr. Ranjeet

Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

NIKO DAS & ANR.

..... Defendants

Through: Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-3.

Mr. Neel Mason, Mr. V. Dang & Ms. Aditi, Advocates for D-3. (M:9971586598)

Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

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CS (COMM) 275/2022 & I.As. 6535-36/2022

HINDUSTAN UNILEVER LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

UNILEVERR1.IN & ORS.

..... Defendants

Through: Ms. Deepika Kathuria, Adv. for D-9.

Mr. S. Surender, Advocate for D-21.

Ms. Asiya Khan, Advocate for D-25

Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai

Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 364/2022 & I.As. 8518-20/2022, 12855/2022**
AMAZON SELLER SERVICES PRIVATE LIMITED
& ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

AMAZONBUYS.IN & ORS. Defendants

Through: Mr. G. Mirza, Mr. Vishesh Sharma, Advocates for D-4. (M:7434045442)
Mr. Sohit Choudhary, Advocate for D-5.
Ms. Mrinal Ojha, Mr. Debarshi Dutta & Mr. Aayush Kevlani, Advocates for D-8 (M-9167094381)
Ms. Deepika Kathuria, Adv. for D-10.
Mr. Vineet Dhanda, CGSC with Mr. Abhishek Singh, Advocate for UOI/D-18 & 19.
Mr. M.K. Singh, Advocate for Mr. Samir Chugh, Advocate for Airtel.
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 475/2022 & I.As. 10851-52/2022, 12173-74/2022**
FASHNEAR TECHNOLOGIES PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MEESHO ONLINE SHOPPING PVT. LTD.
& ANR.

..... Defendants

Through: Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advs. for D-10.
Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak Banerjee, Mr. Brijesh Ujjainwal & Ms. Shweta Sahu, Advocate for D-7.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant and Mr. Danish Faraz Khan, Advocates for D-19 & 20. (M:9999999045)

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+

CS (COMM) 95/2021 & I.A. 4800/2021

THE HIMALAYA DRUG COMPANY & ORS. Plaintiffs

Through: Mr. Pravin Anand, Ms. Prachi Agarwal and Ms. Ms. Ridhie Bajaj, Advocates. (M:8800972785)

versus

ASHOK KUMAR & ORS.

..... Defendants

Through: Mr. Tushar Singh & Ms. Trisha Patnaik, Advocates for D-25.
Mr. Surinder Singh, Advocate for D-29

(M-9311325398)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 154/2021 & I.A. 4692/2021, 10905/2022**
GODREJ PROPERTIES LTD Plaintiff

Through: Mr. Pravin Anand, Mr. Vibhav Mithal and Mr. Achyut Tiwari, Advocates. (M:8447458389)

versus

ASHOK KUMAR & ANR. Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate with, Mr. Alipak Banerjee, & Ms. Shweta Sahu, Advocates for D-2. (M:9987115749)

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 276/2021 & I.A. 7329/2021**
MICROSOFT CORPORATION & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus

TECH HERACLES OPC PRIVATE LIMITED
& ORS. Defendants

Through: Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki,

Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 293/2021 & I.As.7543-44/2021, 10308/2021,
15052/2021**

TATA SONS PRIVATE LIMITED & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan Mr.
Achuthan Sreekumar & Mr. Rohil
Bansal Advocates. (M:9079965359)

versus

M/S ELECTRO INTERNATIONAL & ORS. Defendants

Through: Mr. M.K. Singh, Advocate for Mr.
Samir Chugh, Advocates for Airtel (M-
9810455716)

Ms. Deepika Kathuria, Adv. for D-8.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 399/2021 & I.A. 10855/2021**

HINDUSTAN UNILEVER LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin
Sharma, Mr. Yatin Garg, Mr. Ranjeet
Singh, Mr. Vivek Ayyagari, Mr. Angad
Makkar, Mr. M. J. Sudarshan, Ms.
Ramya Aggarwal and Mr. Sohrab
Mann, Advocates.

versus

NITIN KUMAR SINGH & ORS. Defendants

Through: Mr. Ankur Prakash, Ms. Simran Gill,
Mr. Yudhishtir Bhardwaj, Mr.
Dhananjay, Mr. Amod Bidhuri & Mr.
Saquib Siddiqui, Advocates for D-1
Mr. Akshit Chaudhary, Advocate for
D-5.

Mr. Bhagvan Swarup Shukla, CGSC with Mr. Kamaldeep, Advocate for UOI/D-18 & 19.

Mr. K.K. Singh, Advocate for D-27.

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 524/2021 & I.A. 13715/2021, 4506/2022**
KAMDHENU LIMITED

Plaintiff

Through: Mr. Nikhil Sonker, Advocate.
(M:7726021194)

versus

RAGHUNATH VIRDHARAM BISHNOI AND ORS. Defendants

Through: Mr. Rishabh Gupta and Mr. Abhishek Kumar Singh, Advocates.

Mr. Lakshy Aggarwal, Advocate for D-3.

Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-3. (M:8368148214)

Ms. Shweta Sahu and Mr. Alipak Banjerjee, Advocates for D-8. (M:9987115749)

Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-9. (M:8800556341)

Mr. Vihan Dang, Ms. Aditi Umopathy and Mr. Parva Khare, Advocates for D-10 (M-99101983636)

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs. for Reliance Jio.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai

Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 82/2020 & I.A. 2402/2020**
JOCKEY INTERNATIONAL INC. Plaintiff
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shobhit Agarwal and Mr. Deepank, Advs. (M:8800520258)

versus

WWW.JOCKEYFRANCHISE.COM & ORS. Defendants
Through: Mr. Vivek Jain and Ms. Aastha Tiwari, Advs. for D-4. (M:9871863446)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 251/2020 & I.As. 5544/2020, 7655/2022**
MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus

MS CZONE SOLUTIONS & ORS. Defendants
Through: Mr. Sumit Nagpal, Ms. Nancy, Ms. Dolly Luthra and Ms. Aastha Sood, Advs for D-1 & 2. (M:9911995000)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 255/2020 & I.As. 5590-91/2020, 11099/2020, 6402/2022**
INDIAMART INTERMESH LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MR. AKASH VERMA & ORS. Defendants

Through: Mr. Uday Singh Chopra & Mr. Parva Khare, Advocates for D-2. (M:9911983636).

Mr. Saransh, Advocate for Ms. Nandita Rao, ASC (Crml.),GNCTD.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 373/2020 & I.A. 7995-96/2020, 7999/2020, 9171/2020, 84/2021, 430/2021 & 1371/2021**
ITC LIMITED Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali, Mr. Shivang Sharma & Mr. Siddhant Chamola, Advocates

versus

ASHOK KUMAR & ORS. Defendants

Through: Ms. Ritu Mishra, Advocate for D-6. Mr. Hrithik Goyal and Ms. Lovleen Goyal, Advocates for D-12. (M:8826767020)

Ms. Deepika Kathuria, Adv. for D-14.

Ms. Asmita Kumar, Advocate for D-31. (M:9899967516)

Ms. Hetu Arora Sethi, ASC, GNCTD

with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH
+ CS (COMM) 424/2020 & I.A. 20246-47/2022
SHOPPERS STOP LIMITED Plaintiff
Through: Mr. Sagar Chandra, Ms. Shubhie Wahi, Ms. Ankita Seth and Ms. Sanya Kapoor, Advocates. (M:9810907412)

versus
M/S SHOPPERSTOP & ORS. Defendants
Through: Mr. P.S. Sudheer and Ms. Anne Mathew, Advs. for D-5. (M:9891760039)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH
+ CS (COMM) 498/2020 & I.A. 10520-21/2020, 2506/2021, 2530/2021
MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr. Shantanu Sahay, Ms. Imon Roy and Mr. Apoorv Bansal, Advocates.

versus
PCPATCHERS TECHNOLOGY PRIVATE LIMITED
& ORS. Defendants
Through: Mr. Sumit Nagpal, Ms. Nancy and Ms. Aashta Sood, Advocates for D-1, 2 & 3. (M:9911995000)
Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki,

Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 297/2019**
MOTHER DAIRY FRUIT & VEGETABLE PVT. LTD..... Plaintiff
Through: Mr. Pravin Anand, Mr. Saif Khan, Mr.
Shobhit Agarwal and Mr. Deepank,
Advocates.

versus

KUMAR PRAHLAD & ANR. Defendants
Through: Mr. Yash Vardhan Singh, Advocate for
D-1.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 317/2019 & I.As. 8404-05/2019, 3270/2020**
DHARAMPAL SATYAPAL LIMITED Plaintiff
Through: Mr. Rajesh Yadav, Sr. Advocate with
Ms. Ruchira V. Arora and Mr.
Dhananjay Mehlawat, Advocates.
(M:9911006159)

versus

RAJNIGANDHA DISTRIBUTORS PRIVATE LIMITED
& ORS Defendants
Through: Mr. Mahesh, Mr. Gulshan Kumar, Ms.
Shubhangi Sood & Ms. Aashi,
Advocates for D-2,3.
Mr. Siddharth Sangal & Ms. Nilanjani
Tandon, Advocates for D-11/SBI.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,

Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

Mr. Santosh Kumar Tripathi, Standing Counsel with Mr. Arun Panwar, Mr. Tapes Raghav, Mr. Prudhumn Rao and Mr. Mahak Rankawat, Advcoates.

WITH

+ **CS (COMM) 732/2019 & I.As. 3865/2020, 9234/2020, 4171/2021, 4172/2021**

MONTBLANC SIMPLO GMBH Plaintiff

Through: Mr. Pravin Anand & Mr. Devesh Ratan, Advs. (M:9810333571)

versus

MONTBLANCINDIA.COM & ORS. Defendants

Through: Mr. Yajur Bhalla, Mr. Deepak Samota and Mr. Sumer Ahuja, Advocates for D-1, 2, 4 to 10 & 20. (M:9711009378)

Mr. Alipak Banjerjee, Ms. Pava Khare & Ms. Shweta Sahu Advs for D-18.

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate Jai Prakash, ACP, IFSO Cyber Cell along with Inspector Sanjeev Solanki, Inspector Kusum , Inspector Suneel Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 350/2020 & I.A. 7456/2020, 9624/2020, 9629/2020, 996/2021, 9204/2022, 16148/2022**

GUJARAT COOPERATIVE MILK MARKETING FEDERATION LTD & ANR. Plaintiff

Through: Mr. Abhishek Singh and Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Alisha Sharma & Ms. Insha Mushtaq, Advocates. (M:9910291290)

versus

AMUL-FRANCHISE.IN & ORS. Defendant

Through: Mr. Anil Soni, CGSC with Mr. Rahul

Mourya, Adv. for UOI.
(M:9560238258)

Mr. Anurag Ahluwalia,, CGSC with
Mr. Abhigyan Siddhant, G.P. and Mr.
Danish Faraz Khan, Advocate for UOI.
(M:9811418995)

Mr. Darpan Wadhwa, Sr. Advocate
with Mr. Alipak Banerjee & Ms.
Shweta Sahu and Advocates for D-26.
(M:9987115749)

Mr. Alipak Banerjee, Mr. Brijesh and
Ms. Shweta Shahu, Advocates for D-
27, 28 & 30.

Mr. Praveen Kumar Jain, and Ms.
Shalini Jha, Advocates for D-37.
(M:9871278525)

Mr. Vihan Dang and Mr. Parva Khare
& Ms. Aditi Umapathy, Advs for D-52.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS (COMM) 298/2019 & I.As.8189/2019, 13215/2019, 13631/2019,
15695-96/2019, 14210/2021, 16707/2021**

ULTRATECH CEMENT LIMITED & ANR. Plaintiff

Through: None.

versus

WWW.ULTRATECHCEMENTS.COM & ORS. Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Binsy Susan & Ms. Swati
Agarwal, Advocates for GoDaddy.
(M:9650001297)

Mr. Ananta Prasad Mishra & Mr.
Gagan Gupta, Advocates for D-9.
(M:9990937838)

Mr. Manish Mohan, CGSC for UOI.
(M-999910115)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum , Inspector Suneel
Siddhu and SI Manzoor Alam.

AND

+ **CS (COMM) 324/2020 & I.As. 6950/2020, 12588/2020, 12611/2020,
11510/2021**

MCDONALDS CORPORATION & ANR. Plaintiffs

Through:

versus

NATIONAL INTERNET EXCHANGE OF INDIA
& ORS. Defendants

Through: Mr. Vivek Jain & Mr. Aastha Tiwari,
Advocates for D-18 & 28
(M9811426480).

Mr. Alipak K. Banerjee and Ms.
Shweta Sahu, Advocates for D-5, 2, 6
7, & 8.

Mr. Ravi Prakash, CGSC with Mr.
Sahonwlah Farmani Ali, Advocate for
D-35&36 (M-9469448888)

Mr. Santosh Kumar Rout & Mr.
Abhishek Chakraborty, Advocates for
D-13 to 17, 22, 26, 27, 31)

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

WITH

+ **CS(COMM) 193/2019 & I.As. 5399/2019, 11497/2019, 18216/2019,
15451/2021, 6069/2022**

COLGATE PALMOLIVE COMPANY & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Khan &
Mr. Rohil Bansal, Advs.(M-
9079965359)

versus

NIXI & ANR.

..... Defendants

Through: Ms. Akshita Jain, Advocate for D-1
(M-9990526912).

Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Swati Agarwal, Ms. Binsy
Susan, Mr. Shashank Mishra, Ms.
Akshi Rastogi, Ms. Vaani Kaushik &
Mr. Vaarish Sawlani, Advs for D-3-4.

Mr. Anurag Ahluwalia, CGSC with Mr.
Danish Faraz Khan, Mr. Abhigyan
Siddhant and Mr. Rahul Sharma,
Advocates for UOI (M-9999999045)
with Mr. Tanmay Nirmal, Manager
legal.

Mr. Tentu Satyanarayan, Director
(Legal), UIDAI & Mr. Tanmaya
Nirmal, Deputy Manager (Legal &
Policy), UIDAI (M-9899113033).

Mr. Kushagra Goel & Mr. Abhimanyu
Yadav, Advocates for D-7 (M-
9711443294).

SI Prince Kumar, PS Hauz Khas.

Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate Jai
Prakash, ACP, IFSO Cyber Cell along
with Inspector Sanjeev Solanki,
Inspector Kusum, Inspector Suneel
Siddhu and SI Manzoor Alam.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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01.12.2022

1. This hearing has been done through hybrid mode.

Pursuant to the previous orders, various stakeholders have made submissions regarding the status of these matters. The same are dealt with hereinafter.

Recommendations by the MEITY/DoT

2. Vide previous orders, the DoT/MEITY had been directed to file its recommendations with respect to various issues that had arisen in these matters.

3. However, the recommendations have not been submitted. Today, Mr. Shankar, Id. CGSC, submits that a new coordinating officer - Mr. Deepak Goyal is in-charge of these cases and is coordinating with the various agencies for giving recommendations on behalf of the Government. MEITY is also yet to hold meetings with the CGPTDM to obtain its views before finalizing the recommendations.

4. This Court notes that vide previous order date 3rd August, 2022, recommendations were to be given by DoT/MEITY after consulting various stakeholders, on the following aspects:

“(i) The manner in which the details of the domain name registrants, can be verified by the DNRs, at the time of registration of domain names;

(ii) The manner in which the privacy protect feature and proxy servers are made available: whether it is only upon a specific registrant choosing the said option, rather than as a standard feature as part of a ‘bundle’;

(iii) If the owner of a well-known brand or a trademark contacts any DNR, the manner in which the data related to the registrant can be provided, without the intervention of a Court, or any governmental agency;

(iv) Whether the identity of the owner of a domain name, which consists of a registered trademark or a known brand can be verified at the time of registration itself;

(v) *If a specific link could be provided by the CGPTDM, covering a list of well-known marks, maintained by the Registrar of the Trademarks, or declared by any Court of law, which can then be used for expedited blocking of domain names consisting of such marks;*

(vi) *If there can be any agency that can be identified in India, such as NIXI, who can be made a repository of the data concerning the registrant, or an agency through which the data could be transmitted by the DNR, upon verification by NIXI, in case a trademark owner has a grievance against a specific domain name;*

(vii) *If any directions are issued to the DNRs, and the same are not implemented, the manner in which the implementation of the said orders can be ensured;*

(viii) *Since almost all domain names are registered only after payments are made through credit card, or other online payment methods or apps, is it possible, upon request by any identified agency, to provide the information relating to the person who has made the payment, to the trademark owners. This should be discussed in the aforementioned meeting to be held on 30th August, 2022.*”

5. In addition, a further aspect to be considered by the MEITY and DoT as recorded in the order dated 14th September, 2022, is the issue of whether grievance officers had been appointed by the DNRs listed therein and in case of no information regarding the same, MEITY was to take steps in accordance with law. A status report detailing the steps taken was also to be filed.

6. Further as recorded in the previous order dated 14th September, 2022, it was pointed out by various Plaintiffs that the bank account names and the names of the bank accounts holders do not correspond, which leads to gullible consumers being misled thinking that the name of the bank account is in fact the name of the person who has opened the same, when it may actually not be

the case. This issue ought to be considered by the RBI so that guidelines can be issued. Accordingly, issue notice to the Standing/Nominated counsel of RBI - Mr. Ramesh Babu MR, Standing Counsel (M-9873922734)

7. It is reiterated that all the above aspects shall be considered by the DoT/MEITY as also the RBI and recommendations and status report shall be placed before the Court considering these aspects, positively within four weeks. It is made clear that if no recommendation is placed on record, the Court would be constrained to hold the concerned officials responsible.

Investigation of Criminal Complaints

8. Insofar as the criminal investigations are concerned, Ms. Sethi, Id. Standing Counsel, has placed on record status reports pertaining to around 25 matters. She submits that in 6 cases chargesheets have been filed and in a few cases, arrests have also been made. She however submits that in some cases, the actual individual victims were not found in Delhi, therefore the Delhi Police has not proceeded further yet.

9. It is clarified that if the brand owners of the registered marks are located in Delhi or if any transactions have taken place in Delhi, the Cyber Cell, Delhi Police, may register the FIR and conduct the investigation accordingly.

10. Let a consolidated status report in respect of all the matters be filed by Ms. Sethi, within four weeks.

Bank Account Details and Submissions regarding Banks' Compliance with Directions

11. It is noticed that in a large number of these matters, the banks are not placing the bank statements of the accounts complained against before this Court. Even the details of the persons who have opened the bank accounts such as the KYC details, etc. have not been placed.

12. In this view of the matter, each of the Plaintiffs' counsel in all these suits is permitted to approach the respective banks for KYC details as also bank account statements and serve a copy of today's order to the banks. In the communication to be given by Id. Counsel for the Plaintiffs to the banks the details of the bank accounts and any other details which may be available with the Plaintiffs' counsel shall also be given to the respective banks.

13. Upon being served, the respective banks shall file the relevant details including the bank statement of all the periods during which the bank account has remained open, as also the KYC details of the persons who have opened the bank accounts.

14. Any non-compliance of this direction shall lead to an adverse inference against the concerned bank(s) and the concerned Branch managers shall be held personally responsible.

15. In this regard, it has also been noticed that the Reserve Bank of India, impleaded as Defendant No.38 in *CS(COMM) 350/2022*, has not entered appearance today. Let fresh notice be issued to the nominated counsel for the Reserve Bank of India for appearance in this matter.

16. Ld. counsel for the Plaintiffs to serve a copy of this order to the nominated counsel for RBI as well.

17. Registry to also give intimation to the nominated counsel of RBI and attach with the same, the order of this Court dated 14th September, 2022. The RBI shall also place its stand on record on the aspect of discrepancies between account holders' name and the name of the account itself and recommendations as to the way forward.

Submissions regarding non-compliance of certain orders

18. In *CS(COMM) 324/2020*, ld. counsel for the Plaintiff submits that a domain name mcdfranchise.in has been noticed to be an unauthorized domain, and GoDaddy LLC (*hereinafter "GoDaddy"*) has been informed of the same by affidavit, as per orders dated 17th August, 2020 and 17th September, 2020. However, the said domain name has not been locked/suspended.

19. The Court has perused the printout of the impugned website. The said website clearly uses both McDonalds' name and the golden arch logo. It is accordingly directed that the said domain name shall be locked/suspended by GoDaddy, within 48 hours. *Status quo* shall be maintained as to ownership. All details relating to this domain name including the credit card details, registrant details, etc., shall be supplied to ld. Counsel for the Plaintiff within one week. Blocking orders shall also be issued by DoT/MEITY *qua* mcdfranchise.in.

20. Ld. Counsel for the Plaintiff in *CS(COMM) 154/2021*, also submits that GoDaddy has not complied with the orders in the said case. Ld. Counsel for GoDaddy disputes this. Go Daddy to file its affidavit in this regard, within two weeks.

21. Ms. Sethi, ld. Standing Counsel, also submits that GoDaddy has not been responding to various requests for details by the police in its investigations.

22. In order for effective communication, it is directed that in future, any emails and information which is sought shall be sent by email to the grievance officer as also to ld. Counsels for GoDaddy who are present in Court and whose emails address be provided to Ms. Sethi. The said details are as under:

| Counsel Name | Email ID |
|--------------------|--|
| Ms. Swati Agarwal | swati.aggarwal@amsshardul.com |
| Ms. Binsy Susan | binsy.susan@amsshardul.com |
| Mr. Aashish Somasi | aashish.somasi@amsshardul.com |
| Mr. Nishith Desai | godaddy litigation.nda@nishithdesai.com |
| Mr. Mrinal Ojha | mrinal.ojha@solarislegal.in |
| Mr. Debarshi Dutta | debarshi.dutta@solarislegal.in |
| Mr. Aayush.kevlani | aayush.kevlani@solarislegal.in |

23. List on 10th February, 2023 at 3:30 p.m.
 24. These are part-heard matters.

DECEMBER 1, 2022
dj/ms

PRATHIBA M. SINGH, J.

अस्यमेव जयते