

**Most Immediate
Time Bound
Court Case**

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/25/2011-DS(Vol-IX)
To,

Dated:18.09.2023

ALL Internet Service Licensees

Subject :- Reiteration of orders to Block websites.

Kindly refer to the following:

- (i) Order of Hon'ble Delhi High court dated 31.05.2023 (Annexure I)
- (ii) MEITY order dated 6.6.23 (Annexure II)
- (iii) DOT Order dated 6.6.23 (Annexure III)
- (iv) Order of Hon'ble Delhi High court dated 24.08.2023 (Annexure IV)

2. Based on the order of MEITY on OCBMS portal, all 32 ISPs (as per list with Annexure III) on the said portal had confirmed blocking of the 7 (seven) websites listed in Annexure II and III. It may be noted that no orders of unblocking of any of the said websites have been issued by DOT since 6.6.23.

3. In view of the Order of Hon'ble Delhi High court dated 24.08.2023, the said 32 ISPs are directed to immediately do the following by return email:

- (a) Please re confirm that the said 7 websites are blocked.
- (b) In case they are not blocked as on date, kindly re-block them immediately and intimate reason as to why they were unblocked.

4. Further all other ISPs as on date are also required to give compliance of blocking the said seven websites immediately.


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

Encl. As above

Copy for kind information and necessary action to

1. Secretary MEITY
2. DG NIC
3. Ld. CGSC in the matter
4. Dir IT for Uploading on DoT website for intimation to all ISPs

भारत सरकार
Government of India
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003
Electronics Niketan, 6, C G O Complex, New Delhi-110003
Website: www.meity.gov.in

संख्या
No.....6(7)/2023-69A...

दिनांक
06th June, 2023.....

To,
Director (DS-II)
DoT, New Delhi

Sub: Order for blocking of seven website URLs of seven Domain Name Registrars

Sir,

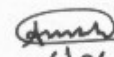
This Ministry is in receipt of the order dated 31.05.2023 of the Hon'ble High Court of Delhi in the matter of New Balance Athletics Inc vs NBSTORESININDIA.IN & ORS, wherein the Hon'ble High Court has directed that DoT and MeitY immediately take action against the following DNRs as non-compliant with the Hon'ble Court's order:

- (a) 1 API GmbH
- (b) Alibaba.com
- (c) Dynadot, LLC
- (d) Endurance Digital domain Technology LLP
- (e) NameSilo, LLC
- (f) Internet Domain Services BS Corp
- (g) NETIM Sarl

2. In view of the above, in accordance with rule 10 of the Information Technology (Procedure and Safeguards for Blocking for access of information for Public) Rules, 2009 ["Blocking Rules, 2009"], the Department of Telecommunications is directed to immediately issue directions to the service providers concerned to block the seven website URLs of the said seven Domain Name Registrars, as per enclosed details.

Yours faithfully,

Encl.: as above


6/06/2023

(Amitesh Kumar Sinha)
Joint Secretary
Designated Officer under Blocking Rules, 2009

Annexure for blocking 7 DNRs

S.N	App Name	Website URL
1	1 API GmbH	https://www.1api.net/
2	Alibaba.com	http://www.alibabagroup.com
3	Dynadot, LLC	https://www.dynadot.com/
4	Endurance Digital domain Technology LLP	https://www.endurancetec.com/
5	NameSilo, LLC	https://www.namesilo.com/
6	Internet Domain Services BS Corp	https://internetbs.net/
7	NETIM Sarl	https://www.netim.com/

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

+ CS(COMM) 12/2022, I.A. 263/2022 (O-XXXIX R-1 & 2 of CPC), I.A. 1275/2022 (O-XI R- 2 & 12 of CPC), I.A. 7828/2022 (O-I R-(10) 2 of CPC), I.A. 8839/2022 (O-XXXIX R-2A of CPC), I.A. 10094/2022 (O-XXXIX R-2A of CPC), I.A. 17169/2022 (O-XXXIX R-2A of CPC), I.A. 17170/2022 (O-XI R-11 & 12 of CPC), I.A. 20922/2022 (for directions) and I.A. 22358/2022 (for modification of order dt. 20.12.2022)

NEW BALANCE ATHLETICS INC Plaintiff

Through: Mr.Dushyant K.Mahant, Mr.Urfee Roomi, Ms.Janaki Arun, Mr.Alvin Antony, Mr.Jaskaran Singh and Ms.Anuja Chaudhury, Advocates.

versus

NBSTORESININDIA.IN & ORS. Defendants

Through: Mr.Sandeep Kr.Mahapatra, CGSC with Mr.Apurva Kuroop and Ms.Osheen Verma Ms.Kirti Dadhech and Mr.Akhil Hasija, Advocates for D-15 and D-16.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER

% **31.05.2023**

1. Pursuant to the order dated on 28th April, 2023 passed by this Court, an affidavit has been filed on behalf of defendant no.16, Ministry of Electronics and Information Technology, giving complete background of orders passed in connected suit with regard to blocking of non-compliant DNRs. Paragraph 12 of the aforesaid affidavit states as under:

Signature Not Verified
Digitally Signed By: AMIT
BANSAL
Signing Date: 31.05.2023 18:46:10

“12. That, in view of the above, it is submitted that this Answering Defendant shall take similar action of blocking of websites against the non-compliant DNRs in the present suit pursuant to a direction by this Hon'ble High Court. Such directions shall be immediately acted upon, including in terms of rule 10 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009....”

2. Counsel for the plaintiff submits that defendants no. 11 to 14 and defendants no.26 to 28 are foreign DNRs who have failed to comply with the repeated directions passed by this Court on 7th January, 2022, 24th January, 2022, 11th February, 2022 and 3rd June, 2022.

3. Therefore, in accordance with the directions passed by this Court on 9th November, 2022 in CS(COMM) 567/2022, the defendant no. 15, Department of Telecommunication (DoT) and the defendant no. 16, Ministry of Electronics and Information Technology (MeitY) respectively are directed to immediately take action within two weeks against the following DNRs for non-compliance of the orders passed by this Court:

DEFENDANT NO.	DOMAIN NAME REGISTRAR
1API GmbH	Defendant no.11
Alibaba.com Singapore E-Commerce Pvt.Ltd.	Defendant no.12
Dynadot LLC	Defendant no.13
Endurance Digital Domain Technology LLP	Defendant no.14
NameSilo, LLC	Defendant no.26
Internet Domain Service BS Corp	Defendant no.27
NETIM Sarl	Defendant no.28

Signature Not Verified
 Digitally Signed By: AMIT
 BANSAL
 Signing Date: 31.05.2023 18:46:10

4. Status report as to the action taken by defendants no.15 and 16 in respect of these DNRs be filed at least one week before the next date of hearing.
5. List before the Joint Registrar on 31st July, 2023.

AMIT BANSAL, J

MAY 31, 2023

sr

Government of India
Ministry of Communications
Department of Telecommunications
SancharBhawan, 20, Ashoka Road, New Delhi-110001
(Data ServicesCell)

No.813-7/25/2011- DS (Vol.-IX)

Dated: 06-06-2023

To,
The Internet Service Licensees (As per list)

Sub: Direction for blocking of seven (07) websites.

As per court order dated **31.05.2023** of the Hon'ble High Court of Delhi in the matter of New Balance Athletics Inc. vs NBSTOREINDIA.IN & ORS. Ministry of Electronics & Information Technology (MeitY) vide order dated 06.06.2023 has directed to **block** the access to the **(07) websites** as per **Annexure**.

2. The Internet Service licensees are accordingly directed to immediately **block** the access to above websites/URLs.

3. The compliance be submitted immediately, failing which shall invite initiation of action under Rule 12 of the Information Technology (Procedure and Safeguards for Blocking of Access of Information by Public) Rules, 2009. Kindly do not reproduce the name of websites in the compliance letter.

Director (DS-II)

Tel: 011-2303 6860

E-mail: dirds2-dot@nic.in

Copy to: Sh. Amitesh Kumar Sinha, Joint Secretary & Designated Officer u/s 69A, Ministry of Electronics & IT (MeitY).

IP Address/ URL

1. <https://www.1api.net/>
2. <http://www.alibabagroup.com>
3. <https://www.dynadot.com/>
4. <https://www.endurancetec.com/>
5. <https://www.namesilo.com/>
6. <https://internetbs.net/>
7. <https://www.netim.com/>



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 12/2022 and I.A. 263/2022, 1275/2022, 7828/2022, 8839/2022, 10094/2022, 17169/2022, 17170/2022, 20922/2022, 22358/2022**

NEW BALANCE ATHLETICS INC

..... Plaintiff

Through: Mr. Dushyant K Mahant, Mr. Urfee Roomi, Mr. Alvin Antony, Mr. Anubhav Chhabra & Ms. Soumya Jain, Advocates

versus

NBSTORESININDIA.IN & ORS.

..... Defendants

Through: Mr. Apoorv Kurup, CGSC with Ms. Kirti Dadheech, Ms. Apoorva Jha, Mr. Akhil Hasija, Adv. for D-16 (M-8929015368)
Mr. Sandeep Kumar Mahapatra, (CGSC) with Ms. Kritika Sharma, Adv. for R-15 (M-9811472444)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 24.08.2023

1. This hearing has been done through hybrid mode.
2. Vide order dated 31st May, 2023, this Court had directed immediate action against various Domain Name Registrars (DNRs) to be taken by DOT and MeitY in the following terms:

“1. Pursuant to the order dated on 28th April, 2023 passed by this Court, an affidavit has been filed on behalf of defendant no.16, Ministry of Electronics and Information Technology, giving complete background of orders passed in connected suit with regard to blocking of non-compliant DNRs. Paragraph 12 of the aforesaid affidavit states as under:

“12. That, in view of the above, it is submitted that this Answering Defendant shall take similar



action of blocking of websites against the non-compliant DNRs in the present suit pursuant to a direction by this Hon'ble High Court. Such directions shall be immediately acted upon, including in terms of rule 10 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009....”

2. Counsel for the plaintiff submits that defendants no. 11 to 14 and defendants no.26 to 28 are foreign DNRs who have failed to comply with the repeated directions passed by this Court on 7th January, 2022, 24th January, 2022, 11th February, 2022 and 3rd June, 2022.

3. Therefore, in accordance with the directions passed by this Court on 9th November, 2022 in CS(COMM) 567/2022, the defendant no. 15, Department of Telecommunication (DoT) and the defendant no. 16, Ministry of Electronics and Information Technology (MeitY) respectively are directed to immediately take action within two weeks against the following DNRs for non-compliance of the orders passed by this Court:

DEFENDANT NO.	DOMAIN NAME REGISTRAR
<i>IAPI GmbH</i>	<i>Defendant no.11</i>
<i>Alibaba.com Singapore ECommerce Pvt.Ltd.</i>	<i>Defendant no.12</i>
<i>Dynadot LLC</i>	<i>Defendant no.13</i>
<i>Endurance Digital Domain Technology LLP</i>	<i>Defendant no.14</i>



<i>NameSilo, LLC</i>	<i>Defendant no.26</i>
<i>Internet Domain Service BS Corp</i>	<i>Defendant no.27</i>
<i>NETIM Sarl</i>	<i>Defendant no.28</i>

4. *Status report as to the action taken by defendants no.15 and 16 in respect of these DNRs be filed at least one week before the next date of hearing.*
5. *List before the Joint Registrar on 31st July, 2023.*”

3. Today, Id. counsel for the Plaintiff submits that blocking orders were initially issued by DOT and these DNRs were blocked from offering their services. However, the said blocking order does not appear to be in force currently. The websites are accessible and are offering their services to Indian customers.

4. A copy of the e-mail has been sent to the Id. CGSC, which states that currently these DNRs, against whom action was directed to be taken by this Court, are offering their services in India. The matter is extremely serious. In these cases, it is seen that repeated orders have been passed by this Court as also Coordinate Benches directing take down and blocking of various domain names which are infringing upon rights of IP owners. In a large number of cases, it is also noticed that these websites which are illegally registered by unknown persons are also used for duping Indian consumers and users from substantial amounts of money. It is under these circumstances that these orders are passed which the DNRs are expected to give effect to. If the DNRs do not abide by the orders passed by this Court, it is only then that an order such as the above one dated 31st May, 2023 has been passed.



5. Let a compliance affidavit be filed by DOT and MeitY as to what steps were taken pursuant to order dated 31st May, 2023 and under what circumstances were the blocking ordered initially and has the blocking been removed/withdrawn.
6. The names of the concerned officials who issued such orders shall also be placed before the Court inasmuch as non-implementation of orders passed by Indian Courts and Indian authorities can have a deleterious impact on law and order, on security as also enforcement of Court orders. Let the compliance affidavit be filed within two weeks.
7. List on 4th October, 2023.

PRATHIBA M. SINGH, J.

AUGUST 24, 2023

Rahul/am