

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-19/2022-DS-II

Dated:13-05-2022

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 275 of 2022; Hindustan Unilever Ltd & Anr. v/s Unilever1.in & Ors. Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated 28th April, 2022 and Memo of Parties in the subject matter court case C.S. (Comm) No. 275 of 2022, for compliance with respect to rouge domain/website of Defendant No.1. DoT is defendant No. 18 in the case.

2. Hon'ble Court vide order dated 28th April, 2022 has, inter alia, directed that:

22. Accordingly, Defendants No. 1 to 5, 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 them, are restrained from using the impugned mark "UNILEVERR" and the logo etc. and/or any or any other mark identical/deceptively similar to the Plaintiffs' Unilever Logo/Hindustan Unilever trademark and/or any other mark associated with the Plaintiffs, in any manner amounting to infringement of Plaintiffs' trademarks, till the next date of hearing.

26. Defendants No. 8-17, 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 them, are directed to block access to the Rogue Website identified as Defendant No. 1 along with the instant suit.

27. Defendants No. 18 (DoT) and 19 (MEITY) are directed to issue Notifications calling upon the various internet and telecom service providers registered under them to block access to the various websites/Rogue Defendants identified by the Plaintiffs in the instant suit or such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights.

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary action for compliance of the court order dated 28th April, 2022 with respect to rouge domain/website of Defendant No.1 immediately.

Encl: A/A

**Director (DS-II)
Tel: 011-2303 6860
Email: dirids2-dot@nic.in**

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

+ CS(COMM) 275/2022

HINDUSTAN UNILEVER LTD & ANR. Plaintiffs

Through: Mr. Saikrishna Rajagopal, Mr. Nitin
Sharma, Mr. Vivek Ayyagari and Mr. Angad S.
Makkar, Advocates.

versus

UNILEVERR1.IN & ORS. Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **28.04.2022**

I.A. 6540/2022 (Exemption)

1. Subject to the Plaintiffs filing originals, clearer copies and documents with proper margins, which it may seek to place reliance on, within four weeks from today, exemption is granted.
2. Application is allowed and disposed of.

I.A. 6539/2022 (Additional Documents)

3. Present application has been preferred on behalf of the Plaintiffs seeking leave to file additional documents under Order 11 Rule 1(4) CPC.
4. Plaintiffs, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.
5. Application is allowed and disposed of.

I.A. 6538/2022 (Exemption from issuing notice to Defendants No. 18 and 19)

6. Since there is an urgency in the matter and the matter is being heard

today, Plaintiffs are exempted from serving the Defendants No. 18 and 19 with advance notice.

7. For the reasons stated in the application, the same is allowed and disposed of.

I.A. 6536/2022 & 6537/2022 (Directions)

8. List on 19.05.2022.

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9. Let plaint be registered as a suit.

10. Upon filing of process fee, issue summons to the Defendant, through all permissible modes, returnable on 28.07.2022. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons. Along with the written statement, Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiff.

11. Replication be filed by the Plaintiff within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendant, shall be filed by the Plaintiff.

12. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

13. List before the learned Joint Registrar on 28.07.2022.

14. List before the Court on 19.05.2022.

I.A. 6535/2022 (under Order 39 Rules 1 and 2 of CPC)

15. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure 1908 for grant of *ex-parte ad-interim* injunction.

16. Issue notice to the Defendants through all prescribed modes, returnable on 19.05.2022.

17. *Dasti* in addition to Defendants No. 9, 14, 20 and 21.

18. It is averred that Plaintiffs are popularly known, recognized and referred to, globally and in India, as 'Unilever', which word, apart from being a house mark, also forms a prominent, inseparable and integral part of their corporate names. Plaintiff No. 1 is a subsidiary of Plaintiff No.2. Plaintiff No. 2 is the owner of various trademarks including the





trademark 'Unilever' ("Unilever Logo") and has licensed the use of the same to Plaintiff No. 1 in India. Registrations for the Unilever logo



'Unilever' and "Hindustan Unilever" obtained by the Plaintiffs have been detailed in para 18 of the plaint and are stated to be valid and subsisting. Plaintiffs have incurred significant expenditure on promotion of their products/services sold/provided under the Plaintiffs' Marks through advertisements and brand building, which for the year 2020-2021 is Rs.4,737/- Crores. The immense goodwill and reputation of the Plaintiff is evident from the tables incorporated in paras 24 and 25 of the plaint, which reflect not only the magnitude of the sales revenue and turnover but also the fact that Plaintiffs are continuing to grow rapidly.

19. It is averred that Defendants No. 1 to 5 are Rogue Defendants (hereinafter referred to as “Rogue Defendants”), who are offering jobs/programs for selling and marketing products of the Plaintiffs in return for monetary considerations, attracting unsuspecting members of the public by utilizing and/or using trademarks of the Plaintiffs herein. Information regarding such jobs is made available by the Rogue Defendants through Instagram ads, social media messaging apps and on the impugned domain name/Defendant No. 1, i.e. <https://unilever1.in/#/home>, which blatantly copies the house mark/trademark ‘UNILEVER’ in order to deceive and lure customers into believing that they have some association/affiliation with the Plaintiffs. Defendants No. 2, 3 and 4, as well as the Telegram Handle @nandanabhasin888 (Defendant No. 5) appear to be acting in concert with each other since the complaint which the Plaintiff had received refers to the interaction of the complainant with the said Defendants. A comparison of the mark used by Defendant No.1 with Plaintiffs’ mark, as brought out in the plaint, is as under:

<i>Plaintiff’s Marks</i>	<i>Defendant No. 1 & 5’s/use of the Plaintiff’s Marks in an identical manner</i>
	


20. It is averred that use of the Plaintiffs trademark ‘Unilever’ by the Defendant No. 1 as a part of its domain name as well as use of the Plaintiffs’

Unilever Logo, in an identical manner, is essentially to deceive the public at large. Rogue Defendants' use of the Plaintiffs' Unilever Logo, which is nearly identical to that of the Plaintiffs' Unilever Logo, constitutes infringement of the said trademark, passing off, dilution of the Plaintiffs' goodwill and unfair trade practice.

21. Having heard learned counsel for the Plaintiffs, this Court is of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte ad-interim* injunction. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

22. Accordingly, Defendants No. 1 to 5, 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 them, are restrained from using the impugned mark



“UNILEVERR” and the logo  etc. and/or any or any other mark identical/deceptively similar to the Plaintiffs' Unilever Logo/Hindustan Unilever trademark and/or any other mark associated with the Plaintiffs, in any manner amounting to infringement of Plaintiffs' trademarks, till the next date of hearing.

23. Defendants No. 1 to 5, 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 them, are further restrained from using the impugned mark “UNILEVERR” and the



logo and/or any other mark identical/deceptively similar to the Plaintiffs' Unilever Logo and trademark Hindustan Unilever/Plaintiffs' Marks in respect of domain name or any other manner amounting to passing off the Plaintiffs' goods/services, till the next date of hearing.

24. Defendants No. 1 to 5, 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 them, from, in any manner are further restrained from using directly or indirectly the Plaintiffs' Marks or any other mark identical/deceptively similar to the Plaintiffs' Marks, amounting to unfair competition, misappropriation, dilution and tarnishment, of the Plaintiffs' Marks, till the next date of hearing.

25. Defendant No. 7 (i.e., Namesilo.com/Domain Name Registrar), its 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, are directed to suspend and block access to Defendant No. 1 (Rogue Website).

26. Defendants No. 8-17, 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 them, are directed to block access to the Rogue Website identified as Defendant No. 1 along with the instant suit.

27. Defendants No. 18 (DoT) and 19 (MEITY) are directed to issue Notifications calling upon the various internet and telecom service providers

registered under them to block access to the various websites/Rogue Defendants identified by the Plaintiffs in the instant suit or such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights.

28. Defendant No. 6 (Telegram – Social Media Intermediary) is directed to block/suspend fake account of Rogue Defendant No. 5 (i.e., @nanadanabasin888) as identified by the Plaintiffs now and/or at any subsequent time.

29. Plaintiffs shall comply with the provisions of Order 39 Rule 3 CPC within two weeks from today.

JYOTI SINGH, J

APRIL 28, 2022/rk

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Commercial Jurisdiction)

C.S. (COMM.) _____ OF 2022

CODE: 36017

IN THE MATTER OF:

Hindustan Unilever Ltd. & Anr. ...Plaintiffs

versus

unileverr1.in and Ors. ...Defendants

MEMO OF PARTIES

1. Hindustan Unilever Ltd.
Unilever House, BD Savant Marg Chakala,
Andheri (E), Mumbai - 400099
E-mail ID: Swati.mujumdar@unilever.com
2. Unilever PLC
Port Sunlight, Wirral,
Merseyside, CH62 4ZD England
E-mail ID: Viji.Malkani@unilever.com

Also, at:

Unilever House, 100 Victoria Embankment
London, EC4Y 0DY United Kingdom ...Plaintiffs

versus

1. unileverr1.in
2. Phone No.: +91- 9945767310
3. Phone No.: +91- 8445343363
4. Phone No.: +91- 9667036089

5. @nandanabasin888
6. Telegram FZ
Business Central Towers, 6-10, Al Jaddi
Street, Dubai — 2GIS.
E-mail ID: abhimanyu@telegram.org
7. Namesilo.com
8825 N. 23rd Ave Suite 100
Phoenix, Arizona
85021, USA
E-mail ID: support@namesilo.com
8. Vodafone Idea Limited
Vodafone House,
Peninsula Corporate Park,
Ganpatrao Kadam Marg,
Lower Parel, Mumbai - 400 013 India
Also, At:
Birla Centurion,
10th Floor, Plot no.794,
B Wing, Pandurang Budhkar Marg, Worli,
Mumbai - 400 030 India

E-mail IDs:
florencia.depores@vodafoneidea.com; Smitha.Menon@vodafoneidea.com;
pankaj.kapdeo@vodafoneidea.com
Radhika.gokhale@vodafoneidea.com
9. Bharti Airtel Ltd.
Airtel Centre, Tower-A, 6th floor
'A' Wing, Plot No.16, Udyog Vihar
Ph - IV, Gurgaon – 122016
E-mail ID: amit.bhatia@airtel.com
10. Atria Convergence Technologies Pvt. Ltd.
99A/113A, Manorayana Palya

R.T. Nagar Bangalore – 560032

Also, At:

2nd and 3rd Floor, No. 1,
Indian Express Building, Queen's Road,
Bangalore 560001 Karnataka
E-mail ID: nodal.term@actcorp.in;
Jitesh.chathambil@actcorp.in

11. Bharat Sanchar Nigam Ltd.

Bharat Sanchar Bhawan, Regulation Cell
5th floor, Harish Chandra Mathur Lane
Janpath, New Delhi -110001
E-mail ID: ddg_reg@bsnl.co.in;
sbkhare@bsnl.co.in;
averma@bsnl.co.in

12. Hathway Cable & Datacom Pvt. Ltd.

'Rahejas', 4 floor, Main Avenue
Santacruz (W), Mumbai-400054
Email ID: ajay.singh@hathway.net;
dulal@hathway.net;
sudhir.shetye@hathway.net

13. Mahanagar Telephone Nigam Ltd.

5th Floor, Mahanagar Doorsanchar Sadan
9, CGO Complex, Lodhi Road
New Delhi – 110003
E-mail ID: raco.mtnl@gmail.com;
mtnlcsc@gmail.com
gmracomtnl@gmail.com

14. Reliance Communications Ltd.

Reliance Centre, A-Wing, 3rd Floor,
Maharaja Ranjeet Singh Marg,
New Delhi-110002
E-mail ID: a.mathur@relianceada.com

15. Reliance Jio Infocomm Limited

RCP 14 (TC 23), Phase 4,
B-Block, 3rd Floor,
C 4 130 Twane-Belapur Road,
Gansoli, Navi Mumbai- 400701
E-mail ID: care@jio.com;
sunil.kr.gupta@ril.com; jyoti.jain@ril.com;
neelakantan.an@ril.com

16. Shyam Spectra Pvt. Ltd.

Plot No. 258, Okhla Industrial Estate,
Phase III, New Delhi – 110020

Also, at:

Plot No. 21-22, 3rd Floor
Udyog Vihar, Phase IV, Gurugram -122015
E-mail ID: info@spectra.co;
compliance@spectra.co

17. Tata Teleservices Ltd.

A, E & F Blocks Voltas Premises - T. B.
Kadam Marg
Chinchpokli, Mumbai – 400033
E-mail ID: pravin.jogani@tatatel.co.in;
anand.dalal@tatatel.co.in;
satya.yadav@tatatel.co.in

18. Department of Telecommunications

Through Secretary,
Ministry of Communications and IT,
20, Sanchar Bhawan, Ashoka Road,
New Delhi – 110001
E-mail ID: secy-dot@nic.in; dir2-
dot@nic.in

19. Ministry of Electronics and Information

Technology
Through the Director General (DIT) Cyber
Laws & e-security),
Electronics Niketan, 6, CGO Complex,

Lodi Road, New Delhi – 110003
 E-mail ID: cyberlaw@meity.gov.in ,
 gccyberlaws@meity.gov.in,
 ns.balan@meity.gov.in,
 sathya.s@meity.gov.in

20.ICICI Bank Limited

ICICI Phone Banking Center, ICICI Bank
 Tower, 7th floor, Survey no: 115/27, Plot no.
 12, Nanakramguda, Serilingampally,
 Hyderabad – 500032
 E-mail ID: customer.care@icicibank.com

21.Axis Bank Limited

‘Axis House’, C-2, Wadia International
 Centre, Pandurang Budhkar Marg, Worli,
 Mumbai - 400 025
 E-mail ID: customer.service@axisbank.com

22.Ashok Kumar(s)

... Defendants




Place: New Delhi
 Date:25th April 2022

Vivek Ayyagari | Angad S. Makkar
 (MAH/4861/2016) | (D/3579/2021)
 Advocates for the Plaintiffs
 57 Jor Bagh, New Delhi - 110003
 +91 9897896284
 angad@saikrishnaassociates.com

NOTE: Defendant Nos. 1 is the main contesting party in the captioned Suit. Further, with respect to Defendant Nos. 1-5, no physical address and e-mail address is available with Plaintiffs. The Memo of Parties has been prepared with the details available with the Plaintiffs.

CS Comm 275 of 2022 Before Hon'ble Delhi High Court:

List:

Defendant No.1 unilever1.in