

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-39/2022-DS-II

Dated:15-09-2022

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 604 of 2022; Star India Pvt. Ltd. V/s 7MOVIERULZ.TC & ORS. Before Hon'ble Delhi High Court.

In continuation to Department of Telecommunications even no. letter dated 09.09.2022; kindly find the enclosed Hon'ble Delhi High Court order dated 09th September, 2022 and 02nd September, 2022 in the subject matter court case C.S. (Comm) No. 604 of 2022 along with amended Memo of parties for immediate compliance with respect to websites of defendant no. 41 to 54; as mentioned in application filed by the plaintiff under Order 1 Rule 10 CPC for impleadment before the Hon'ble court. DoT is respondent no. 38 in the case.

2. Hon'ble Court vide order dated 02nd September, 2022 has, inter alia, directed that:

22. Accordingly, the following directions are issued: -

.....

d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.

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

I.A. 14659/2022 filed by Plaintiff under order 1 Rule 10 CPC seeking impleadment of additional rogue websites engaging in infringing activities as defendants.

.....

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly ex-parte ad-interim injunction dated 02.09.2022 is also extended against newly added defendants no. 41 to 54. The DoT and Ministry of Electronics & Information Technology are directed to do the needful in terms of the above said ex-parte ad-interim injunction dated 02.09.2022.

4. Accordingly, in view of the above, all the Internet Service licensees are hereby notified/instructed to take immediate necessary blocking action of 14 websites for compliance of the court order dated 09th September, 2022 read with order 02nd September, 2022 with respect to websites of defendant nos. 41 to 54; as mentioned in the application filed by the plaintiff under Order 1 Rule 10 CPC for implementation (copy enclosed).

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

Encl: A/A

Copy to: V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi (Respondent no. 39) for kind information and necessary action.

\$~35

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

+ CS(COMM) 604/2022

STAR INDIA PRIVATE LIMITED

..... Plaintiff

Through: Mr.Angad Makkar, Mr.Akshay
Maloo, Advocate (VC)

versus

7MOVIERULZ.TC & ORS.

..... Defendant

Through: None

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. PURSHOTAM PATHAK
(DHJS)**

ORDER
09.09.2022

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**I.A. 14659/2022 filed by Plaintiff under order 1 Rule 10 CPC
seeking impleadment of additional rogue websites engaging in
infringing activities as defendants.**

Vide this order, I shall dispose of the present application filed by plaintiff under Order 1 Rule 10 CPC for impleadment. The learned counsel for plaintiff has submitted that the Hon'ble Court was pleased to grant ex-parte *ad-interim* injunction in this suit against the defendants vide order dated 02.09.2022 for infringement of copyrights. Further directions were also passed that plaintiff may file an appropriate application to array other rogue websites as and when the same are discovered in future.

It is stated that after passing of the abovesaid order, other websites, as disclosed in application, have also started violation and these are rogue websites which are to be blocked pursuant to the order dated 02.09.2022 and are also necessary party to this suit. It is further stated that details of proposed defendants have been disclosed in Schedule-A annexed with application and they are also liable to be impleaded as defendants no. 41 to 54. It is further argued that even *ex-parte ad-interim* injunction dated 02.09.2022 is also liable to be extended against them and application may be allowed.

I have heard the arguments and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to newly added defendants has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed vide paragraph 107 to the effect:-

“107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, 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 / show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to

issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. 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. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly.”

The plaintiff has stated that the proposed defendants/websites are rogue websites of defendants which are also involved in violation of copyrights of plaintiff and have been permanently restrained to do so. In view of the submissions and judgment relied upon by learned counsel for applicant, the websites mentioned in the application especially Schedule-A are impleaded as defendants no. 41 to 54 subject to filing of affidavit confirming that the newly impleaded websites are rogue websites and the affidavit of investigator within one week.

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly *ex-parte ad-interim* injunction dated 02.09.2022 is also extended against newly added defendants no. 41 to 54. The DoT and Ministry of Electronics & Information Technology are directed to do the needful in terms of the above said *ex-parte ad-interim* injunction dated 02.09.2022.

Amended memo of parties is taken on record.

I.A. stands disposed of.

Registry is directed to do the needful.

Copy of order be given *dasti*.

**PURSHOTAM PATHAK (DHJS),
JOINT REGISTRAR (JUDICIAL)**

SEPTEMBER 9, 2022/sk

Click here to check corrigendum, if any

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

+ CS(COMM) 604/2022

STAR INDIA PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Yatinder Garg, Ms. Vriti Jindal and Mr. Akshay Maloo, Advocates.

versus

7MOVIERULZ.TC & ORS. Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **02.09.2022**

I.A. 14119/2022 (Exemption)

1. Subject to the Plaintiff filing certified, clearer, proper and translated copies of the 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. 14118/2022 (Exemption from advance service to Defendants No.38 and 39)

3. Since there is an urgency in the matter and the same is being heard today, Plaintiff is exempted from serving advance notice on Defendants No. 38 and 39.

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

CS(COMM) 604/2022

5. Let plaint be registered as a suit.

6. Upon filing of process fee, issue summons to the Defendants, through

all permissible modes, returnable on 29.11.2022 before the learned Joint Registrar.

7. Summons shall state that the written statement shall be filed by the Defendants within 30 days from the receipt of summons. Along with the written statement, Defendants shall also file an affidavit of admission/denial of the documents filed by Plaintiff.

8. 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 Defendants, shall be filed by the Plaintiff.

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

I.A. 14117/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

10. 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 an *ex-parte ad-interim* injunction.

11. Issue notice to the Defendants through all prescribed modes, returnable on 14.12.2022, before Court.

12. Present suit has been filed seeking permanent injunction and damages, for infringement of copyrights of the Plaintiff in the film 'Brahmastra Part One: Shiva' (hereinafter referred to as 'film'). Plaintiff is stated to be a leading entertainment Company, globally known for producing and distributing *inter alia* Movies and Television Shows. It is stated that the film has been jointly produced by Plaintiff and Defendants No. 19 to 21, investing huge sums of money in production and promotion of the film.

13. It is the case of the Plaintiff that being co-producers of the film, Plaintiff and Defendants No. 19 to 21 are authors of the film under

Section 2(d) of the Copyright Act, 1957 (hereinafter referred to as the ‘Act’) and thus, owners in terms of the provisions of Section 17 of the said Act. The exclusive rights, as enumerated under Section 14(d) of the Copyright Act qua the film, vest in the Plaintiff and Defendants No. 19 to 21. It is stated that the film being a work of visual recording including sound recordings qualifies as a ‘cinematograph film’ under Section 2(f) of the Act and by virtue of Section 13(1) and 13(2) read with Section 5 of the Act, since the film is going to be released in India, the film would be entitled to all rights and protections granted under the Act for cinematographic films. Section 14(d) provides an exclusive right to the Plaintiff to ‘communicate’ the film to public as defined in Section 2(ff) of the Act. Any third party who interferes with or exploits any of the exclusive rights, without permission of the Plaintiff, would be deemed to infringe Plaintiff’s copyright in terms of Section 51 of the Act.

14. It is further averred that any hosting, streaming, reproduction, distribution, making available to the public and/or communicating the film to the public or facilitating the same, without authorisation from the Plaintiff, by any means, on any platform, including internet and mobile would infringe Plaintiff’s copyright.

15. It is averred that the present suit has been filed against Defendant websites, i.e. Defendants No. 1 to 18, which are primarily and substantially engaged in communicating to the public, hosting, streaming, etc. the copyright protected work and are vehicles of infringement, whose whole business model is designed to provide members of the public access to copyright contents, unauthorisedly.

16. It is the case of the Plaintiff that it is an industry practice to release the film for theatrical exhibition first and then make it available for viewing on different platforms. Theatrical release of a film is the most important stage as the commercial value of a film depends on the popularity and success it achieves in this period. However, the rogue websites in order to make illegal gains make infringing copies and make them available for viewing, downloading and communication to the public, almost simultaneously with the theatrical release of the film. In the past, infringing copies of several movies produced/distributed by the Plaintiff were communicated to the public and made available for viewing and downloading, on various websites, within hours of the theatrical release. In the present case the film is scheduled to be released on 09.09.2022 and Plaintiff apprehends that the rogue websites, Defendants No. 1 to 18 will communicate infringing copies of the film on various websites which would directly impact the Plaintiff's business and erode the value of the film besides infringing its copyright. Plaintiff has invested huge sums of money in production and promotion of the film. The official trailer released on 15.06.2022, generated a positive response amongst the public, which is evident from large number of views received officially on [youtube.com](https://www.youtube.com).

17. Learned counsel appearing on behalf of the Plaintiff submits that this Court in *UTV Software Communication Ltd. and Others v. 1337X.To and Others, 2019 SCC OnLine Del 8002*, while relying on plethora of judgments held that rogue websites can be made liable for copyright infringement and observed that they are not entitled to exemption under Section 52(1)(c) of the Act, as they are not entities that transiently or incidentally store Plaintiff's work therein and that an infringer of copyright on internet is to be

treated at par with an infringer in the physical world. The Court laid down factors determining whether a website is a rogue website and Defendants No. 1 to 18 satisfy the criteria set out by the Court and are rogue websites.

18. I have heard learned counsel for the Plaintiff and examined the contentions raised.

19. There is no gain saying that piracy has to be curbed and needs to be dealt with a heavy hand and injunction against screening of copyrighted content by rogue websites ought to be granted. This position is acknowledged and re-affirmed in several decisions and in order to avoid prolixity, I may only allude to two judgments of this Court in *Department of Electronics and Information Technology v. Star India Private Limited, 2016 SCC OnLine Del 4160* and *UTV Software Communication Ltd. (Supra)*. The legal position with regard to grant of dynamic injunctions is settled in *UTV Software Communication Ltd. (Supra)* and learned counsel for the Plaintiff is right in his submission that several orders have been passed by this Court in the past, restraining the rogue websites.

20. Tested on the anvil of these decisions, in my view, Plaintiff has made out a *prima facie* case for grant of *ex parte ad-interim* relief. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the injunction, as prayed for, is not granted. For the sake of convenience particulars of Defendants No. 1 to 18, i.e. the rogue websites along with their domain name Registrars are set out as under:-

S. No.	Websites	Registrar
1.	7starhd.agency (Defendant No.15)	GoDaddy.com, LLC (Defendant No. 22)
2.	vegamovies.wtf (Defendant No.2)	NameCheap Inc. (Defendant No. 24)

3.	extramovies.pics (Defendant No.3)	
4.	9xmovies.yoga (Defendant No.4)	
5.	1tamilmv.pics (Defendant No.5)	
6.	Cinevood.vip (Defendant No.6)	
7.	full4movies.store (Defendant No.7)	
8.	hdmovie2.click (Defendant No.8)	
9.	yomovies.skin (Defendant No.9)	
10.	prmovies.wiki (Defendant No.10)	
11.	movierulzhd.lol (Defendant No.11)	
12.	torrentcue.co (Defendant No.12)	
13.	tamilblasters.cloud (Defendant No.13)	
14.	7movierulz.tc (Defendant No.1)	Gandi SAS (Defendant No. 23)
15.	ssrmovies.kim (Defendant No.18)	NameSilo, LLC (Defendant No. 25)
16.	tamilblasters.unblockit.ist (Defendant No.14)	Tucows Domains Inc (Defendant No.26)
17.	mkvmoviespoint.art (Defendant No.17)	Dynadot, LLC (Defendant No.27)
18.	uwatchfree.be (Defendant No.16)	AXC.NL (Defendant No. 28)

21. Looking at the investments made by the Plaintiff in the production and promotion of the film as also the exclusive right vested in it under the provisions of the Copyright Act, this Court *prima facie* agrees with the Plaintiff that if the rogue websites communicate the film in any manner, on

any platform, simultaneously with the theatrical release of the film on 09.09.2022 or in its close proximity thereafter, it would severely impact the interest of the Plaintiff monetarily and will also erode the value of the film.

22. Accordingly, the following directions are issued:-

- a. Defendants No. 1 to 18 and all others acting for and/or on their behalf are restrained from in any manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.
- b. Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the respective Defendants, as mentioned in the table at para 20 above.
- c. Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No. 1 to 18.
- d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.
24. Plaintiff shall comply with the provisions of Order 39 Rule 3 CPC within a period of one week from today.
25. Copy of this order be given *dasti* to learned counsel for the Plaintiff.

JYOTI SINGH, J

SEPTEMBER 02, 2022/rk

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

I.A. NO. _____ OF 2022

IN

CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd.

...Plaintiff

Versus

7movierulz.tc & Ors.

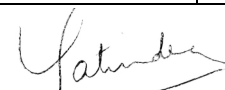
...Defendants

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Place: New Delhi

Date: 6th September 2022



Yatinder Garg
(D/1330/2015)

Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh,
Delhi – 110003

Note :

- 1) This application may be listed before the Ld. Joint Registrar on 8th September 2022 as per the Judgment dated 10.04.2019 in CS(COMM) 724/ 2017, UTV Software Communications Ltd. & Ors. v. 1337x.to & Ors.
- 2) This application is to be placed on record and along with the documents filed on behalf of the Plaintiffs through Diary No. E-1511139/2022

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

I.A. NO. _____ OF 2022
IN
CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. ...Plaintiff
Versus
7movierulz.tc & Ors. ...Defendants

NOTICE OF MOTION

Sir,

The enclosed Application in the aforesaid matter is being filed on behalf of the Plaintiff and is likely to be listed on 8th September 2022 before the Ld. Joint Registrar or any date thereafter. Please take note accordingly.

Place: New Delhi

Date: 6th September 2022



Yatinder Garg
(D/1330/2015)
Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh,
Delhi – 110003



IN THE HIGH COURT OF DELHI AT NEW DELHI

To,
The Deputy Registrar,
High Court of Delhi,
New Delhi

I.A. NO. _____ OF 2022
IN
CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. ...Plaintiff
Versus
7movierulz.tc & Ors. ...Defendants

Sir,

Will you kindly treat the accompanying application as an urgent one in accordance with the High Court Rules and Orders and list the present application before the Ld. Joint Registrar as per Order dated 02.09.2022 passed by this Hon'ble Court in the present suit, viz CS (COMM) 604/2022. The relevant portion of said Order has been extracted herein below:

“20. Tested on the anvil of these decisions, in my view, Plaintiff has made out a prima facie case for grant of ex parte ad-interim relief. Balance of convenience lies in favour of the Plaintiff, and it is likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

22. As such, the following observations/directions are issued:

XXX

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.”

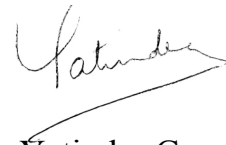
The ground of urgency:

As prayed

Yours faithfully,

Place: New Delhi

Date: 6th September 2022



Yatinder Garg
(D/1330/2015)
Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh,
Delhi – 110003

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

I.A. NO. _____ OF 2022
IN
CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. ...Plaintiff
Versus
7movierulz.tc & Ors. ...Defendants

APPLICATION ON BEHALF OF THE PLAINTIFF UNDER
ORDER I RULE 10 OF THE CODE OF CIVIL PROCEDURE,
1908 SEEKING IMPLEADMENT OF ADDITIONAL
WEBSITES ENGAGING IN INFRINGING ACTIVITIES AS
DEFENDANTS (ROGUE WEBISTES) IN THE MEMO OF
PARTIES

MOST RESPECTFULLY SHEWETH:

1. The present application is being filed by the Plaintiff on account of the illegal and unlawful activities of the Defendants in communicating to the public, the Plaintiff's work inter alia Film – 'Brahmastra Part One: Shiva' ("Upcoming Film") without authorization / permission from the Plaintiff. The Plaintiff have sought the reliefs of permanent injunction against infringement of its Copyright, Damages, Rendition of Accounts etc., against the

Defendants. The Plaintiff seek the leave of this Hon'ble Court to treat and read the averments contained in the accompanying plaint as forming part of this application which are not repeated for the sake of brevity.

2. The present application has been filed seeking impleadment of additional websites under Order I Rule 10 CPC as these websites have been streaming official trailer of the movie – 'Brahmastra Part One: Shiva', and Plaintiff's recently released content i.e., 'Cuttputlli' on their respective websites without the proper authorization of the Plaintiff. Thereby Plaintiff apprehends that Defendants will further infringe their exclusive rights in the Upcoming Film. The Plaintiff apprehends that the following websites / domains, as listed in Schedule 'A' have been identified to be engaging in the aforesaid illegal and unauthorized activities:

S.No.	Websites	Domain Registrar
1.	1hdmovies.online	GoDaddy, LLC
2.	1tamilmv.cyou	NameCheap, Inc.
3.	300mb.one	NameCheap, Inc.
4.	7starhd.rent	NameCheap, Inc.

5.	9xmovies.contact	NameCheap, Inc.
6.	gomoviz.online	NameCheap, Inc.
7.	kuttymovies2022.fun	NameCheap, Inc.
8.	moviespapa.homes	NameCheap, Inc.
9.	mp4movies.online	NameCheap, Inc.
10.	tamilblasters.casa	NameCheap, Inc.
11.	uwatchfree1.com	NameCheap, Inc.
12.	www7.watchmoviesonlinepk.com	NameCheap, Inc.
13.	yesmovies4u.me	NameCheap, Inc.
14.	moviemoon.pics	Porkbun, LLC

3. The present application has thus been filed seeking impleadment of the aforementioned websites, (hereinafter referred to as ‘Proposed Defendant Websites’) in the suit i.e., CS(Comm.) 604 of 2022, as Defendants Nos. 41 to 54.
4. It is submitted that “Ashok Kumar” (Defendant No. 40), or “John Doe’s” were also impleaded as party to the suit and leave of this Hon’ble Court was duly sought by the Plaintiff to amend the memo of parties and substitute all such Ashok Kumars with specific website which were found violating the Plaintiff exclusive rights. In this regard, reliance is placed upon paragraph 41 of the Plaint.

5. It is submitted that *vide* Order dated 02.09.2022, this Hon'ble Court was pleased to pass an *ex-parte* ad interim Order against the Rogue Defendant Websites and directed the ISPs to block access to the Defendant Websites. It is pertinent to mention that the Hon'ble Court was pleased to grant liberty to the Plaintiff to file application for impleadment of any additional rogue website. For the sake of convenience, the relevant portion of the Order is extracted herein below:

“22. Accordingly, the following directions are issued: -

- a. Defendants No. 1 to 18 and all others acting for and/or on their behalf are restrained from in any manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.*
- b. Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the respective Defendants, as mentioned in the table at para 20 above.*
- c. Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No. 1 to 18.*

d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e., Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future."

Copy of the Order dated 02.09.2022 is attached herewith.

6. Reliance is placed herein upon CS(COMM) 724 of 2017 *UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors.* filed before the Hon'ble High Court of Delhi etc. The Plaintiffs therein 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. Ml 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.*

7. It is submitted that the Proposed Defendant Websites are engaged in the similar activities as that of Defendant Nos. 1 - 18 by making available and communicating Plaintiff's exclusive work without permission and authorization. It is submitted that since these websites are showing the Plaintiff's work without authorization, these Proposed Defendant Websites fall squarely within the scope of the Order dated 02.09.2022 passed by this Hon'ble Court and the Plaintiff is entitled to seek their impleadment and extension of the injunction Order.
8. In light of the above, it is imperative to implead the Proposed Defendant Websites and in lieu of the Order dated 02.09.2022, this Hon'ble Court ought to extend the *ex-parte ad-interim* injunction against the Proposed Defendant Websites. Further, on being satisfied by the evidence produced by the Plaintiff to show the infringing and unauthorized activities of the Proposed Defendant Websites pursuant to the Order dated 02.09.2022, the said domains ought to be blocked, and thus this Hon'ble Court ought to issue directions to the ISPs to disable access in India, of such Proposed Defendant Websites, in lieu of the Order dated 02.09.2022.

9. Thus, in light of the above, it is imperative that the Proposed Defendant Websites be impleaded in the instant suit as Defendants to safeguard the interest of the Plaintiff.

PRAYER:

10. In view of the above, the Plaintiff humbly pray that this Hon'ble Court may be pleased to:
- a. Implead the Proposed Defendant Websites whose domains are listed in the attached Schedule 'A', as *Defendant Nos. 41 to 54*, to the instant suit and extend the *ex-parte ad-interim* injunction dated 02.09.2022;
 - b. Pass an order directing the Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the Defendants no. 41 to 53;
 - c. Pass an order directing the Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No. 41 to 53.
 - d. Pass an order directing the Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and

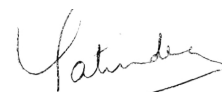
Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issue necessary notifications calling upon various ISPs to block access to the Proposed Defendant Websites listed in Schedule A;

- e. Take the amended Memo of Parties on record;
- f. 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: 6th September 2022



Yatinder Garg
(D/1330/2015)

Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh,
Delhi – 110003

SCHEDULE A

LIST OF ADDITIONAL WEBSITES / DOMAINS
ILLEGALLY STREAMING / MAKING AVAILABLE TO THE
PUBLIC THE PLAINTIFF'S WORK

S. No.	Websites
1.	1hdmovies.online
2.	1tamilmv.cyou
3.	300mb.one
4.	7starhd.rent
5.	9xmovies.contact
6.	gomoviz.online
7.	kuttymovies2022.fun
8.	moviespapa.homes
9.	mp4movies.online
10.	tamilblasters.casa
11.	uwatchfree1.com
12.	www7.watchmoviesonlinepk.com
13.	yesmovies4u.me
14.	moviemoon.pics

IN THE HIGH COURT OF DELHI AT NEW DELHI
I.A. NO. _____ OF 2022
IN
CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd.

...Plaintiff

Versus

7movierulz.tc & Ors.

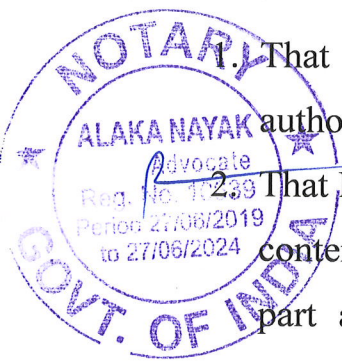
...Defendants

AFFIDAVIT OF MS. DIKSHA SNEHAL, D/O MR. AMIT RANJAN, AGED 28 YEARS, AUTHORISED SIGNATORY OF PLAINTIFF, HAVING OFFICE AT STAR HOUSE, URMI ESTATE, 95, GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI 400013, PRESENTLY AT NEW DELHI, INDIA JOR BAGH, NEW DELHI 110003, DELHI, INDIA, ON BEHALF OF THE PLAINTIFF

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

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

That I have read the contents of the accompanying 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.



Alaka Nayak
I identified the deponent who has signed in my presence.

Diksha Snehal

DEPONENT

VERIFICATION:

06 SEP 2022

Verified at New Delhi on this the 6th day of September 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
Sri/Smt/Km..... *Diksha Snehal*
S/o, W/o, D/o..... *Amit Ranjan*
R/o.....
Identified by Shri/Smt..... *Alaka Nayak*
has Solemnly affirmed before me at
New Delhi on this the 06th day of Sep 2022
That the contents of the affidavit which have
been read & explained to him are true and
Correct to this knowledge

Alaka Nayak

DEPONENT

06 SEP 2022

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

I.A. NO. _____ OF 2022

IN

CS(COMM) NO. 604 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd.

...Plaintiff

Versus

7movierulz.tc & Ors.

...Defendants

MEMO OF PARTIES

IN THE MATTER OF:

Star India Pvt. Ltd.
Star House, Urmi Estate,
95, Ganpatrao Kadam Marg,
Lower Parel (W),
Mumbai- 400013

Also, at:

Vatika Business Centre, Thapar House,
Gate No. 1, Eastern & Central Wing
3rd Floor, 124 Janpath
New Delhi -110001

Email: akshay.singh@startv.com

... Plaintiff

Versus

1. 7movierulz.tc
Email: 4movierulz.se@protonmail.com
2. vegamovies.wtf
Email: veganmoviesorg@gmail.com, abuse@namecheap.com
3. extramovies.pics
Email: extramovies.in@gmail.com, abuse@namecheap.com
4. 9xmovies.yoga
Email: 9xmovies@protonmail.com, abuse@namecheap.com
5. 1tamilmv.pics
Email: abuse@namecheap.com,
9c0b3e4c63ca4bf5b2c859660bcc8613.protect@withheldforprivacy.com
6. cinevood.vip
Email: admin@cinevood.vip, abuse@namecheap.com
7. full4movies.store
Email: admin@full4movies.store, abuse@namecheap.com
8. hdmovie2.click
Email: admin@hdmovie2.click, abuse@namecheap.com
9. yomovies.skin
Email: admin@yomovies.skin, abuse@namecheap.com
10. prmovies.wiki
Email: admin@prmovies.wiki, abuse@namecheap.com
11. movierulzhd.lol
Email: abuse@namecheap.com, admin@movierulzhd.com

12. torrentcue.co
Email: torrentbing@gmail.com, abuse@namecheap.com
13. tamilblasters.cloud
Email: admin@tamilblasters.cloud, abuse@namecheap.com
14. tamilblasters.unblockit.ist
Email: admin@tamilblasters.unblockit.ist
15. 7starhd.agency
Email: starhd715@gmail.com, abuse@godaddy.com
16. uwatchfree.be
Email: admin@uwatchfree.be
17. mkvmoviespoint.art
Email: abuse@dynadot.com, mkvpoint@proion.me
18. ssrcmovies.kim
Email: ssrc@protonmail.com, abuse@namesilo.com
19. Dharma Productions Pvt. Ltd.
201&202, 2nd Floor, Supreme Chambers,
Off Veera Desai Road, 17/18 Shah Industrial Estate,
Andheri(W), Mumbai-400053
20. Ayan Mukerjee
Grotto Villa (C),
Hasnabad Lane, Santacruz (West)
Mumbai 400 054
21. Ranbir Kapoor
56 Krishna Raj, Pali Hill,
Bandra [W],
Mumbai – 400050

22. GoDaddy.com, LLC
14455 North Hayden Road, Suite 219
Scottsdale, AZ 85260
United States
Email: HQ@GoDaddy.com
- Also, At:
GoDaddy India Web Services Private Limited
003, Tower 4A, DLF Corporate Park,
MG Road Gurgaon – 122002
Email: legal@godaddy.com
23. Gandi SAS
63-65 Boulevard Massena
Paris, France
Email: support@gandi.net
24. NameCheap Inc.
4600 East Washington Street
Suite 305
Phoenix, AZ 85034 USA
Email: support@namecheap.com
25. NameSilo, LLC.
8825 N, 23rd Ave Suite 100
Phoenix, AZ
USA - 85021
Email: support@namesilo.com
26. Tucows Domains Inc.
96 Mowat Avenue, Toronto,
Ontario, M6K 3M1 Canada
Email: tucowsdomains.com@contactprivacy.com

27. Dynadot, LLC
210 S Ellsworth Ave
#345 San Mateo, CA
94401 US
Email: info@dynadot.com
28. AXC.NL
AXC Ceintuurbaan 26A 8024AA
Zwolle, Netherlands
Email: email@axc.nl
29. Atria Convergence Technologies Pvt. Ltd.
99A/113A, ManorayanaPalya
R.T. Nagar
Bangalore – 560032

Also, At:
2nd and 3rd Floor, No. 1,
Indian Express Building, Queen’s Road,
Bangalore 560001 Karnataka
E-mail: nodal.term@actcorp.in; Jitesh.chathambil@actcorp.in
30. Bharat Sanchar Nigam Ltd.
Bharat Sanchar Bhawan, Regulation Cell
5th floor, Harish Chandra Mathur Lane
Janpath, New Delhi -110001
E-mail: ddg_reg@bsnl.co.in; sbkhare@bsnl.co.in; averma@bsnl.co.in
31. Bharti Airtel Ltd.
Airtel Centre, Tower-A, 6th floor
‘A’ Wing, Plot No.16, Udyog Vihar
Ph - IV, Gurgaon – 122016
E-mail: amit.bhatia@airtel.com

32. Hathway Cable & Datacom Pvt. Ltd.

'Rahejas',4 floor, Main Avenue

Santacruz (W), Mumbai-400054

E-mail: ajay.singh@hathway.net; dulal@hathway.net;

sudhir.shetye@hathway.net

33. Mahanagar Telephone Nigam Ltd.

5th Floor, Mahanagar Doorsanchar Sadan 9

CGO Complex,

Lodhi Road

New Delhi – 110003

E-mail: raco.mtnl@gmail.com; mtnlcsco@gmail.com;

gmracomtnl@gmail.com

34. 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: care@jio.com; Hitesh.marthak@relianceada.com;

Kapoor.guliani@ril.com; sunil.kr.gupta@ril.com; shilpi.kant@ril.com;

jyoti.jain@ril.com

35. 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: info@spectra.co; compliance@spectra.co

36. Tata Teleservices Ltd.

A, E & F Blocks Voltas Premises - T. B. Kadam Marg
Chinchpokli, Mumbai – 400033

E-mail: pravin.jogani@tatatel.co.in;

anand.dalal@tatatel.co.in; satya.yadav@tatatel.co.in

37. 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: Smitha.Menon@vodafoneidea.com;

pankaj.kapdeo@vodafoneidea.com; Radhika.gokhale@vodafoneidea.com

38. Department of Telecommunications

Through Secretary,
Ministry of Communications and IT,
20, Sanchar Bhawan, Ashoka Road,
New Delhi – 110001

E-mail: secy-dot@nic.in, dirids2-dot@nic.in

39. 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: cyberlaw-legal@meity.gov.in, schandra@meity.gov.in,

chinnasamy.v@meity.gov.in, dpk_goel@nic.in, gccyberlaw@meity.gov.in

40. Ashok Kumar(s)
41. 1hdmovies.online
Email: admin@1hdmovies.online
42. 1tamilmv.cyou
Email: admin@1tamilmv.cyou
43. 300mb.one
Email: admin@300mb.one
44. 7starhd.rent
Email: starhd715@gmail.com
45. 9xmovies.contact
Email: 9xmovies.com@gmail.com
46. gomoviz.online
Email: gomoviz.com@gmail.com
47. kuttymovies2022.fun
Email: admin@kuttymovies2022.fun
48. moviespapa.homes
Email: moviespapa.com@gmail.com
49. mp4movies.online
Email: admin@mp4movies.online
50. tamilblasters.casa
Email: admin@tamilblasters.casa

51. uwatchfree1.com

Email: admin@uwatchfree1.com

52. www7.watchmoviesonlinepk.com

Email: onlinewatchmoviespk@gmail.com

53. yesmovies4u.me

Email: admin@yesmovies4u.me

54. moviemoon.pics

Email: admin@moviemoon.pics

... Defendants

Place: New Delhi

Date: 6th September 2022



Yatinder Garg
(D/1330/2015)

Saikrishna & Associates
Advocates for the Plaintiff
57, Jor Bagh, Delhi – 110003

SCHEDULE A



LIST OF ADDITIONAL WEBSITES / DOMAINS
ILLEGALLY STREAMING / MAKING AVAILABLE TO THE
PUBLIC THE PLAINTIFF'S WORK

S. No.	Websites
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5.	9xmovies.contact
6.	gomoviz.online
7.	kuttymovies2022.fun
8.	moviespapa.homes
9.	mp4movies.online
10.	tamilblasters.casa
11.	uwatchfree1.com
12.	www7.watchmoviesonlinepk.com
13.	yesmovies4u.me
14.	moviemoon.pics