

**BY EMAIL**

**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-09/2022-DS-II****Dated: 18-04-2022****To,**

All Internet Service Licensee's

**Subject: TM No. 06 of 2022; Bulgari S.P.A. vs. Ashok Kumar & Ors. before ADJ-01, Patiala House Court, New Delhi.**

In continuation to Department of Telecommunication (DoT) even no. letter dated 25.03.2022, kindly find the enclosed ADJ-01, Patiala House Court, New Delhi orders dated 06<sup>th</sup> April 2022 and 07<sup>th</sup> March, 2022 in the subject matter court case TM No. 06 of 2022 with respect to websites/URLs of defendant nos. 1S to 1T which are mentioned in the court order 06.04.2022 itself. DoT is defendant No. 2 in this case.

2. Hon'ble Patiala House Court, New Delhi vide order dated 07<sup>th</sup> March, 2022 has, inter alia, directed that:

*11. Further, defendant no. 2 & 3 are directed to secure the blocking of the Web Pages/ URL(s) / Listings of the impugned websites of Defendant No. 1A to 1R and URLs as mentioned above in the memo of parties and any other URLs in respect of impugned goods bearing impugned Trademarks/Labels BULGARI / BVLGARI or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's said Trademark/Label/Trade Name BULGARI / BVLGARI till next date of hearing.*

3. Now, Hon'ble Patiala House Court, New Delhi vide order dated 06<sup>th</sup> April, 2022 has, inter alia, directed that:

*It is submitted by ld counsel for plaintiff at bar that the proposed defendants namely (a) Ashok Kumar 19 (Defendant no. 1S)– Address unknown/Hidden, website – <https://royalcollections.com> and (b) Ashok Kumar 20 (Defendant no. 1T) – email address: [shopforbrand52@gmail.com](mailto:shopforbrand52@gmail.com), mobile no. 7021045275, website – <https://shopforbrand52.com> are the rogue websites and their identity and better particulars are not in public domain. He further submits that vide order dated 07.03.2022 this Court has already injected several other rogue websites by grant of ad-interim injunction.*

*In view of the submissions made by ld counsel for plaintiff the application at hand is allowed and the proposed defendants are hereby restrained on the **same terms and conditions as passed vide order dated 07.03.2022 in respect of the other rogue websites**. It is made clear that order dated 07.03.2022 shall be operative against the proposed defendants also. Compliance under Order XXXIX Rule 3 of CPC be made within 10 days from today.*

***Defendant no.2 is directed to do the needful in compliance of the previous order in respect of the proposed defendants also.***

3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for compliance of the court order dated 06.04.2022 with respect to websites/URLs of defendant no. 1S to 1T mentioned above.

Encl: A/A

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

TM 6-22

Bulgari S.P.A. Vs. Ashok Kumar And Others

**06.04.2022**

**Present:** Mr. Shivang Bansal, Mr. Rishi Bansal, Id counsels for plaintiff.  
Mr. Ashish Kr. Sharma, Id counsel for defendant no.2.  
Ms. Aparimita Pratap, Id counsel for defendant no.4.

Affidavit of compliance filed on behalf of plaintiff on 15.03.2022.

Copy of Brief Transmission Form filed on behalf of defendant no.2.

Vakalatnama on behalf of defendant no. 4 with authority letter date 25.03.2021 filed.

At this stage, an application under Order 1 Rule 3 and Rule 10(2) of CPC ; application under Order XXXIX Rules 1 and 2 of CPC and application under Section 151 of CPC seeking exemption from filing amended plaint against newly impleaded defendant – website filed on 31.03.2022 is taken up.

Issue notice of the application to the proposed defendants on filing of PF / RC for next date of hearing.

At this stage, Id counsel for plaintiff requested for extension of ex-parte injunction granted vide order dated 07.03.2022 against the proposed defendants i.e. rogue websites as they are placed on similar footings.

Heard on the application.

: 2 :

It is submitted by Id counsel for plaintiff at bar that the proposed defendants namely (a) Ashok Kumar 19 (Defendant no. 1S) – Address unknown/Hidden, website – <https://royal-collections.com> and (b) Ashok Kumar 20 (Defendant no. 1T) – email address: [shopforbrand52@gmail.com](mailto:shopforbrand52@gmail.com), mobile no. 7021045275, website – <https://shopforbrand52.com> are the rogue websites and their identity and better particulars are not in public domain. He further submits that vide order dated 07.03.2022 this Court has already injected several other rogue websites by grant of ad-interim injunction.

In view of the submissions made by Id counsel for plaintiff the application at hand is allowed and the proposed defendants are hereby restrained on the same terms and conditions as passed vide order dated 07.03.2022 in respect of the other rogue websites. It is made clear that order dated 07.03.2022 shall be operative against the proposed defendants also. Compliance under Order XXXIX Rule 3 of CPC be made within 10 days from today.

Defendant no.2 is directed to do the needful in compliance of the previous order in respect of the proposed defendants also.

At this stage, it is submitted by Id counsel appearing for defendant no.4 i.e. Godaddy Operating Company LLC that they are not the proper entity to be impleaded in the present suit as they are not operating domain registrars and the correct operating domain registrar is Godaddy.com LLC.

**: 3 :**

Ld counsel for plaintiff sought adjournment to move appropriate application.

At this stage, upon request of plaintiff, defendant no.4 is hereby directed to provide best available particulars of remaining defendants i.e. rogue websites for effecting proper service.

Put up for compliance of Order XXXIX Rule 3 of CPC with respect to proposed defendants ; written statement be filed with copy supplied to opposite party ; service of remaining defendants who have not been served ; consideration on application u/s 151 of CPC seeking exemption from filing amended plaint against newly impleaded defendant on **12.05.2022**. Steps be taken within 10 days.

**(Ajay Garg)**  
**Additional District Judge-01**  
**PHC/New Delhi/06.04.2022**

**TM No. 06-2022**

**Bulgari S.P.A. Vs. Ashok Kumar & Ors.**

**07.03.2022**

Present : Sh. Rishi Bansal, Ld. counsel for plaintiff.

1. Vide this order, I shall dispose of the application of the plaintiffs for grant of ex parte interim injunction.

2. The plaintiff has filed the present suit under Section 134 & 135 of the Trade Mark Act, 1999 and under Section 55 of the Copyright Act, 1957 for permanent injunction restraining defendants from infringement of trademark and copyright, delivery up, rendition of accounts etc.

3. The case of the plaintiffs, in brief, is that the plaintiff is an Italian luxury brand engaged in the business of watches, jewelleryes, fragrances, accessories, eyewear, lather goods etc under the trademark BULGARI / BVLGARI which is used by the plaintiff in all the variants of their products (hereinafter referred to as the said goods and business'). Plaintiff is the registered owner / proprietor of the trademark / copyrights of the brands and its international and domestic registration of given in para no. 14 and 15 of the plaint respectively. The plaintiff has adopted and is continuously using these trademarks / copyright of their products since long. Plaintiff has a valuable trade, reputation and goodwill in the market all over the world. Plaintiff is also carrying out its business activities through the websites namely:-[www.bulgari.com/en-in](http://www.bulgari.com/en-in), [www.ethswatch.com](http://www.ethswatch.com), [www.bvlgari.com](http://www.bvlgari.com), [www.bvlgari.in](http://www.bvlgari.in), [www.bvlgari.com](http://www.bvlgari.com), [www.bvlgari.bix](http://www.bvlgari.bix) etc (hereinafter referred to as 'said

domain name / websites').

4. It is case of the plaintiff that defendants no. 1A to 1R (as mentioned in memo of parties) are engaged in manufacturing, marketing, soliciting and trading of counterfeit watches, clocks, wall clocks, bags, perfumes and other products (hereinafter referred to as the 'impugned goods and impugned business') on their websites and are making them available for sale across India. Defendant no. 1A to 1P are mentioning on their websites that they are dealing in *replica, true copy, first copy, A++ copies* of the plaintiff's goods and business. It is averred that defendants no. 1A to 1R are acting in collusion and convenience with each other. The Defendant No. 1A – 1R have been shown as “Ashok Kumar 1 to 18” following John Doe principles as their identities are unknown and only name of their websites are known along-with some addresses/email IDs. Once their identities and details are revealed through their respective Registrars, Web Hosting Service Providers or defendant no. 1A-1R come forth and disclose the details of the company(s) and their activities, they will be substituted as parties.

5. It is further alleged that the Defendant no. 1A to 1R by its impugned adoption and user of the plaintiffs' Trademarks are violating the plaintiff's aforesaid Trademark thereby enabling others to pass off their goods and business as that of the plaintiff as well as diluting the plaintiff's proprietary rights therein and knowingly doing so. It is causing deception and confusion in the market and diluting the goodwill of the plaintiffs and damaging the plaintiffs' commercial and statutory interests causing huge losses both in business and in reputation and such losses are incapable of

being assessed in monetary terms.

6. Therefore, plaintiffs prayed for grant of ex-parte interim relief to not only restrain the defendants from infringing their IP rights and further to block their websites till next date of hearing. In their support, plaintiffs have relied upon *UTV Software Communication &ors. vs 1337X.TO &ors. [CS (COMM) No. 724/ 2017 dated 10.04.2019]* and *Star India Pvt. Ltd. And Anr Vs. Filmyclub.wapkiz.com and Ors [CS (Comm) No. 518/2021 dated 12.10.2021]*. Perused the same.

7. Further, the Department of Telecommunications (DOT) (Defendant No. 2) is stated to be having power and jurisdiction to block the listings/ URL(s)/ web pages by directing all Internet Service Providers (ISPs) operating in India to block the listings/ URL(s).

8. Plaintiffs prayed for Web Page Blocking/ URL Blocking / Listing Blocking of the impugned web-sites/domain names concerning the impugned activity against Defendant No. 1A to 1R. The Ministry of Electronics and Information Technology (MeitY), GoI, defendant no. 3 through its various divisions has jurisdiction and authority to order blocking of websites and webpages found to be disseminating illegal content.

9. I have gone through the plaint and the documents filed by the plaintiffs. Plaintiffs have placed on record the screen shots of the websites which prima facie substantiates the contentions raised by the plaintiffs. In my considered opinion, prime facie case is made out for grant

of ex-parte interim relief.

10. Therefore, it is directed that defendant no. 1A to 1R by itself as also through their individual proprietors/partners, agents, representatives, distributors, assigns, heirs, successors, stockists and all others acting for and on their behalf are restrained from using, selling, manufacturing, marketing, intention to sell/solicit, soliciting, exporting, importing, displaying, advertising by visual, audio, print mode or by any other mode or manner dealing in or selling/soliciting through online websites (as mentioned in Memo of Parties) and/or online platform or through social medias or in any manner using the impugned counterfeit goods under Trademarks/Labels BULGARI / BVLGARI or any other word/mark which may be identical with and/or deceptively similar word/mark to the plaintiffs' said Trademarks/Labels BULGARI / BVLGARI respectively in relation to their impugned goods and business of finished watches, clocks, wall clocks, horological and other chronometric instruments and allied and cognate products and from doing any other acts or deeds amounting to or likely to infringe ; passing off ; violation of plaintiffs' aforesaid registered Trademarks/Labels BULGARI / BVLGARI respectively till next date of hearing.

11. Further, defendant no. 2 & 3 are directed to secure the blocking of the Web Pages/ URL(s) / Listings of the impugned web-sites of Defendant No. 1A to 1R and URLs as mentioned above in the memo of parties and any other URLs in respect of impugned goods bearing impugned Trademarks/Labels BULGARI / BVLGARI or any other word/mark/Trademark/Label which may be identical with and/or

deceptively similar to the Plaintiff's said Trademark/Label/Trade Name BULGARI / BVLGARI till next date of hearing.

Plaintiff to comply Order 39 Rule 3 CPC within one week from today.

Issue summons for settlement of issues and notice of application U/o 39 rules 1 and 2 of CPC to the defendant on filing of PF, RC and through all modes of services as prescribed under the law **on 06.04.2022**. Steps be taken within 15 days.

**(Ajay Garg)**  
**Additional District Judge-01**  
**PHC/New Delhi/07.03.2022**

List of websites:

- (a) (Defendant no. 1S) website – <https://royal-collections.com>
- (b) (Defendant no. 1T) website – <https://shopforbrand52.com>