

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-21/2022-DS-II

Dated: 26-05-2022

To,

All Internet Service Licensee's

**Subject: CS (COMM) No. 339 of 2022; New Balance Athletics Inc. v/s Ashok Kumar Trading as www.sastajoota.com & Ors., before Hon'ble Delhi High Court.**

Kindly find the enclosed Hon'ble Delhi High Court order dated 20<sup>th</sup> May, 2022 in the subject matter court case C.S.(Comm) No. 339 of 2022 along with websites of infringing defendant no. 1 & 2 for compliance. Wherein DoT is defendant No. 9 in the case.

2. Hon'ble Court in order dated 20<sup>th</sup> May, 2022 has, inter alia, directed that:

*24. Having considered the averments made in the plaint, perused the documents filed alongwith the plaint, and also the submissions made by the learned counsel for the Plaintiff, I am of the view that the Plaintiff has made out a prima facie case for grant of an injunction. The balance of convenience also lies in the favour of the Plaintiff and against the Defendant nos. 1 and 2. An irreparable loss would be caused to the Plaintiff and also to the consumers in case the Defendant nos. 1 and 2 are not restrained by an ad-interim order from continuing with their web portal.*

*25. Accordingly, there shall be an ad-interim order of injunction against the Defendant nos. 1 and 2 in terms of prayer (a) of the application.*

*26. Having perused the contents of the website, prima facie it is clear that the Defendant nos. 1 and 2 are not only violating the trademark rights of the Plaintiff, but other well-known brands as well. Accordingly, the Defendant nos. 3 to 5 are directed to provide contact details/addresses of the proprietor/registrants of the websites www.sastajoota.com and www.sastajoota.co.in. They are further directed to deactivate/block the said website till further orders. **The Defendant nos. 9 and 10 are also directed to issue necessary directions for blocking of the said websites forthwith.***

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 20<sup>th</sup> January, 2022 with respect to websites of defendant no. 1 & 2.

Encl: A/A

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

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

+ CS(COMM) 339/2022

NEW BALANCE ATHLETICS INC., ..... Plaintiff

Through: Mr.Dushyant K. Mahant, Mr.Vishesh  
Kumar & Ms.Rishikaa, Advs.

versus

ASHOK KUMAR TRADING AS WWW.SASTAJOOTA.COM &  
ORS. .... Defendants

Through: Nemo.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**20.05.2022**

**I.A. 8009/2022 (Exemption)**

1. Allowed, subject to all just exceptions.

**I.A. 8010/2022**

2. This is an application seeking exemption from initiating pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

3. Having perused the contents of the application, the exemption prayed for is granted.

4. Accordingly, the application stands disposed of.

**I.A. 8008/2022**

5. This is an application filed on behalf of the Plaintiff seeking leave to file additional documents.

6. The Plaintiff may file the additional documents strictly in accordance with the law.

7. The application stands disposed of.

**I.A. 8011/2022**

8. This is an application seeking exemption from making advance service of the suit to the Defendants. It is alleged that the said service has not been made as it is apprehended that the Defendants may, on service of the notice, try to change their domain name, dispose of, or sell the goods being manufactured under the Impugned Trademark.

9. Having considered the contents of the application, the same is allowed. The Plaintiff is exempted from making an advance service of the suit on the Defendants.

**CS(COMM) 339/2022**

10. Let the plaint be registered as a suit.

11. Issue summons to the Defendants to be served through all permitted modes upon the filing of the requisite Process Fee. The Plaintiff is also permitted to serve the Defendants through the telephone numbers, details whereof have been given in the plaint, by way of WhatsApp.

12. The summons to the Defendants shall indicate that the written statement to the plaint shall be positively filed within a period of thirty days from the date of receipt of summons. Along with the written statement, the Defendants shall also file the affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

13. Liberty is given to the Plaintiff to file a replication within a period of fifteen days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiff, the affidavit of admission/denial of documents of the Defendants be filed by the Plaintiff, without which the

replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

14. List before the Court on 29<sup>th</sup> August, 2022.

**I.A. 8007/2022**

15. Issue notice to the Defendants to be served through all modes, returnable on 29<sup>th</sup> August, 2022. The Plaintiff is also permitted to serve the Defendants through the telephone numbers, details whereof have been given in the plaint, by way of WhatsApp.

16. The Defendants may file their response to the application within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

17. It is the case of the Plaintiff that it is a company incorporated under the laws of the State of Massachusetts, United States of America and is engaged in the design, manufacture, marketing, and sale of footwear since the year 1906 in the USA, including the mark “NEW BALANCE”, “NB Device Mark” and the “N Device Mark”, which are shown below:



18. The Plaintiff further asserts that they first used the letter “N” on the footwear in the year 1970 and a combination “NB” as a trademark on footwear also began in the 1970s. The Plaintiff’s products are sold in more

than 120 countries, including in India, through retail stores owned and/or operated by the plaintiff, through franchisees, department stores, and e-commerce sites. With respect to India, it used the “New Balance” mark and the “N Device” mark on the footwear first in the year 1986, while the “NB Device” mark was first used on the footwear in the year 1987. The Plaintiff has also given the net revenue figure for the period of 2013 to 2020 as also the advertising expenditure for the same period. It has also given details of the social media accounts that it operates.

19. The Plaintiff asserts that it has incorporated subsidiary companies in India as New Balance IT Services India Private Limited (incorporated in the year 2007) and New Balance India Private Limited (incorporated on January 17, 2022). It has also entered into a franchisee agreement with a leading Indian party and its stores are operating in various places in India. It has also given details of previous litigations where its marks have been protected.

20. The Plaintiff further asserts that it has obtained registration for various marks in India, details whereof have been given in paragraph 37 of the plaint.

21. The Plaintiff further asserts that the Defendants are operating through domain names, that are, [www.sastajoota.com](http://www.sastajoota.com) and [www.sastajoota.co.in](http://www.sastajoota.co.in), wherein they are offering footwear bearing the trademark of the Plaintiff, without any authorization from the Plaintiff. The Plaintiffs apprehend that these are counterfeit/fake products.

22. The Plaintiff further asserts that the Defendant nos. 1 and 2 have earlier also indulged in similar activities and have been enjoined by this Court. In this regard, the learned counsel for the plaintiff has drawn the attention of this court to the order dated 20.01.2022 passed by a Coordinate

Bench of this Court in CS (COMM) 48/2022 titled ***PUMA SE v. Ashok Kumar Trading as SastaJoota & Ors.***

23. The learned counsel for the Plaintiff submits that the *mala fide* of the Defendant nos. 1 and 2 is apparent from the fact that on having been enjoined from using the URL [www.sastajoota.com](http://www.sastajoota.com), the Defendants have started using the domain name [www.sastajoota.co.in](http://www.sastajoota.co.in) and the loggers to the earlier website are being redirected to the new one. He has also handed over a printout from the website used by the Defendant nos. 1 and 2, which proclaims that the goods offered on the website, “*are not the original ones but an exact replica of an existing design of the luxury brand*”. It further proclaims that the goods “*look similar to the product but don’t have similar quality and processing, they are cheap than the original one*”. The website also openly displays the footwear bearing the mark of the Plaintiff, among the others. The plaintiff shall file a copy of the printout from the website before the court within one week from today.

24. Having considered the averments made in the plaint, perused the documents filed alongwith the plaint, and also the submissions made by the learned counsel for the Plaintiff, I am of the view that the Plaintiff has made out a *prima facie* case for grant of an injunction. The balance of convenience also lies in the favour of the Plaintiff and against the Defendant nos. 1 and 2. An irreparable loss would be caused to the Plaintiff and also to the consumers in case the Defendant nos. 1 and 2 are not restrained by an ad-interim order from continuing with their web portal.

25. Accordingly, there shall be an ad-interim order of injunction against the Defendant nos. 1 and 2 in terms of prayer (a) of the application.

26. Having perused the contents of the website, *prima facie* it is clear that the Defendant nos. 1 and 2 are not only violating the trademark rights of the Plaintiff, but other well-known brands as well. Accordingly, the Defendant nos. 3 to 5 are directed to provide contact details/addresses of the proprietor/registrants of the websites [www.sastajoota.com](http://www.sastajoota.com) and [www.sastajoota.co.in](http://www.sastajoota.co.in). They are further directed to deactivate/block the said website till further orders. The Defendant nos. 9 and 10 are also directed to issue necessary directions for blocking of the said websites forthwith.

27. The Plaintiff further submits that the Defendant nos. 1 and 2 are offering the goods in question only through the website and through their WhatsApp number, which is advertised on the website, which are (+91) 83299 28641 and (+91) 93540 53352. The Defendant no. 8 is directed to provide details of the subscribers of these telephone numbers alongwith KYC documents.

28. Compliance of Order XXXIX Rule 3 CPC be made within a period of two days from today.

29. List on 29<sup>th</sup> August, 2022.

**NAVIN CHAWLA, J**

**MAY 20, 2022/rv/Ai**





ASHOK KUMAR

Trading as [www.sastajoota.com](http://www.sastajoota.com)

Pimple Saudagar

Pune, Maharashtra – 411027

Phone: 919354053352

Email: [support@sastajoota.co.in](mailto:support@sastajoota.co.in)

... Defendant No. 2

NameSilo, LLC

1928 E. Highland Ave. Ste F104 PMB# 225

Phoenix, Arizona - 85016

United States of America

Email: [legal@namesilo.com](mailto:legal@namesilo.com)

... Defendant No. 3

GoDaddy.com, LLC

2155 E. GoDaddy Way

Tempe, Arizona – 85284

United States of America

Email: [abuse@godaddy.com](mailto:abuse@godaddy.com)

... Defendant No. 4

Skb Enterprise B.V.

Kingsfordweg 151, 1043

Gr. Amsterdam

Netherlands

Email: [abuse@web26.nl](mailto:abuse@web26.nl)

... Defendant No. 5

Suryoday Small Finance Bank (Alandi Branch)

House Number 211, Ground Floor

Charholi (khurd)

Pune, Maharashtra - 410501

Email: [smile@suryodaybank.com](mailto:smile@suryodaybank.com)

... Defendant No. 6

ICICI Bank Ltd. (Pune-Chinchwad Branch)

Old Mumbai Pune Highway

Shop No 3 To 8, Ground Floor

F Wing Premier Plaza

Pune, Maharashtra - 411019

Email: [customer.care@icicibank.com](mailto:customer.care@icicibank.com)

... Defendant No. 7

Reliance Jio Infocomm Limited

Office -101, Saffron Nr. Centre Point

Panchwati 5 Rasta, Ambawadi

Ahmedabad, Gujarat - 380006

Email: [jyoti.jain@ril.com](mailto:jyoti.jain@ril.com)

... Defendant No. 8

Department of Telecommunications

Through Secretary

Ministry of Communications and IT

20, Sanchar Bhawan, Ashoka Road

New Delhi – 110001

Email: [secy-dot@nic.in](mailto:secy-dot@nic.in); [dirds2-dot@nic.in](mailto:dirds2-dot@nic.in)

... Defendant No. 9

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

Email: [cyberlaw@meity.gov.in](mailto:cyberlaw@meity.gov.in); [gccyberlaws@meity.gov.in](mailto:gccyberlaws@meity.gov.in);

[pkumar@meity.gov.in](mailto:pkumar@meity.gov.in); [sathya.s@meity.gov.in](mailto:sathya.s@meity.gov.in)

... Defendant No. 10

National Internet Exchange of India

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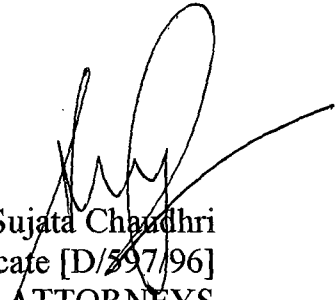
Hansalaya Building 15,

Barakhamba Road,

New Delhi – 110001

Email: [info@nixi.in](mailto:info@nixi.in)

... Defendant No. 11



Sujata Chaudhri  
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Mob. +919818098835  
Mob. +919811600017  
Email – [trademarks@sc-ip.in](mailto:trademarks@sc-ip.in)

PLACE: New Delhi  
DATE: May 19, 2022

Defendants No 1 and 2 are Contributory Defendants



**CS(COMM) 339/2022 NEW BALANCE ATHLETICS INC. V/s ASHOK  
KUMAR TRADING AS WWW.SASTAJOOTA.COM & ORS.**

- 1. [www.sastajoota.com](http://www.sastajoota.com)**
- 2. [www.sastajoota.co.in](http://www.sastajoota.co.in)**