I/3058091/2022

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-38/2022-DS-II **Dated:02-09-2022**

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 498 of 2022; ANI Media Pvt Ltd. V/s Mr. Digvijay Singh Mathur & Ors. Before District Judge (Commercial Court-02) South District, Saket Courts, New Delhi.

Kindly find the enclosed Hon'ble District Judge (Commercial Court-02) South District, Saket Courts, New Delhi order dated 30th August, 2022 in the subject matter court case C.S. (Comm) No. 498 of 2022 for compliance specifically with respect para 19 & 20 of the court order for the website of defendant no.1 as mentioned in the court order. DoT is respondent no. 14 in the case.

2. Hon'ble Court vide order dated 30th August, 2022 has, inter alia, directed that:

19. Defendant Nos. 5-13 their directors, 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 take necessary steps to block access to the website under the Impugned Domain Name aninewsindia.in

20. Defendant Nos. 14 and 15 are directed to take necessary steps to call upon the various internet and telecom service providers registered under it to block access to the website under the Impugned Domain Name aninewsindia.in

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified/instructed to take immediate necessary blocking action for compliance of the court order dated 30th August, 2022 for the website of defendant no.1 as mentioned in the court order immediately.

Signed by Subodh Saxena
Date: 02-09-2022 17:43:12
Reason: Approved

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. 15) for kind information and necessary action.

IN THE COURT OF DISTRICT JUDGE (COMMERCIAL COURT-02) SOUTH DISTRICT, SAKET COURTS: NEW DELHI

CS (COMM) 498 of 2022

ANI MEDIA PVT LTD. ..... Plaintiff

VERSUS

MR. DIGVIJAY SINGH MATHUR
& ORS. .....Defendants

ORDER

30.08.2022

Present: Ms. Manyaa Chandok with Ms. Disha Sharma counsels for plaintiff. (Mob. 9899675905 and email manyaa@sidhantkumar.net)

1. Fresh suit for permanent injunction for infringement of trademark, passing off rendition of accounts, dilution, damages etc., and for registering and using domain name "ANINEWSINDIA.INDIA" has been filed by the plaintiff against the defendants.

2. Heard submissions on the application u/O XXXIX rule 1, & 10 2 r/w Section 151 CPC. Record perused.

3. Present suit relates to the illegal and unauthorised use of the Plaintiff's brand name 'ANI', its registered trademarks ANI (**'ANI Marks'**) and registered domain names www.aniin.com and www.aninews.in (**'Plaintiff's Domain Names'**). Case of the plaintiff is that the Plaintiff is a leading multimedia news agency website. It is stated that the Plaintiff's ANI Marks have gained enormous recognition and goodwill. It is stated that Defendant No.1, Mr. DS Mathur, the Chief Editor of the domain name www.aninewsindia.in (**'Impugned Domain Name'**), Defendant No.2 , GoDaddy LLC is the registrar of the Impugned Domain Name,

Defendant No. 3 is Google LLC, who is the owner and operator of the Google Search Engine and Youtube platform, Defendant No. 4 is Meta Platforms Inc, the Social Media Platform formally known as *Facebook Inc* on whose page Defendant No. 1 has used the Impugned Domain Name and Marks 'ANI'. It is pleaded that Defendant No.s 5-13 are the internet service providers, Defendant No. 14 is the Department of Telecommunications and Defendant No. 15 is the Ministry of Electronics and Information Technology (MEITY). It is stated that the Defendant No.s 5- 15 are proper and necessary parties for effective implementation of any restraint orders including blocking access to Impugned Domain Name.

4. It is submitted that any orders restraining Defendant No.s 2 , 3 and 4 will not result in blocking access to the Impugned Domain Name/ Website. Defendant No.2 *i.e.* the Domain Name Registrar, in its limited technical capacity, can only suspend the said website. Defendant No.3, Google, can only de-index the said website from its search engine. Defendant No. 4, Facebook, can only block access to the facebook page belonging to Defendant No.1.

5. Ld. counsel for plaintiff submitted that for blocking of the Impugned Domain Name/ Website itself, MEITY (Defendant No.15) and/or Department of Telecommunication (Defendant No.14) is required to issue necessary directions to the Internet Service Providers (Defendant No.s 5-13), which can be done on the basis of this Court's order. It is submitted that in any event, on the basis of the principle of '*dominus litus*' the Plaintiff has impleaded Defendant No.s 5-13 as proforma parties for effective implementation of restraint orders.

6. Case of the plaintiff is that the ANI Marks form an integral part of the Plaintiff's Domain Names, who has been using these registered domain names continuously and uninterruptedly since 1999 and 2010. It is submitted that the Plaintiff is the *bona fide* prior

adopter, user and the registered owner of the ANI Marks in India. Further, the brand name of the ANI Marks and the Domain Names are the main identifiers of the Plaintiff's platform.

7. It is pleaded that Defendant No. 1 has illegally registered the domain name www.aninewsindia.in and is unlawfully using the marks  and  ('**Impugned Marks**') which are *ex-facie* deceptively similar to the Plaintiff's ANI Marks and the Plaintiff's Domain Names. The Defendant No. 1 is using these Impugned Marks on the Impugned Domain Name, its Facebook page (having approx. 5000 followers), Youtube channel and other social media platforms, for providing news services to the public in electronic and digital form, *i.e.*, same services as the Plaintiff.

8. It is stated that due to the immense popularity and goodwill acquired by the Plaintiff's ANI Marks, the use of ANI Marks in connection with the similar service by Defendant No. 1, is creating a high degree of confusion and deception resulting in passing off, apart from infringing Plaintiffs rights in the Marks.

9. It is submitted that the Hon'ble High Court of Delhi by judgment dated 15.03.2022 in C.S. (Comm.) 703 of 2021 has upheld the right of the Plaintiff in respect of the ANI Marks due to the prior adoption and registration and the said judgment was passed by the Delhi High Court against other entities running a website with a similar domain name www.aninewsindia.com, engaged in deceptive use of the Plaintiff's ANI Marks as in the present case.

10. It is pleaded that the Plaintiff is therefore entitled to prevent third parties, who do not have Plaintiff's consent, authorisation or license, from using the said ANI Marks and/or any other mark/ device/ logo which is identical or deceptively similar to the Plaintiff's ANI Marks and passing off the said confusingly or deceptively similar marks as that of the Plaintiff's. It is pleaded that

Defendant No. 1 is therefore misusing the Plaintiff's ANI Marks in an unauthorised and illegal manner for providing identical services as the Plaintiff.

11. It is submitted that the Plaintiff's rights are being severely affected apart from the fact that internet users are being deceived into believing that Defendant No. 1, his various platforms, including the website and the social media platforms, are connected and or affiliated with the Plaintiff.

12. It is urged that the conduct of the Defendant No.1 through its illegal activities is blatantly dishonest and in bad faith. Accordingly, the Plaintiffs have established a strong *prima facie* case and the balance of convenience is also in favour of the Plaintiff and against the Defendant No. 1. It is submitted that irreparable loss, damage and injury would be caused to the Plaintiff's goodwill, reputation and business and its exclusive statutory rights and common law rights of the Defendant No.1 is not restrained by an immediate order of interim injunction passed by this Court. It is submitted that the intellectual property rights belonging to the Plaintiffs are being infringed by the Defendant No.1 its intention is to continue its activities and exploit the Plaintiff's intellectual property with impunity, thereby diminishing and diluting the value of the Plaintiff's rights. It is prayed that the ad-interim *ex-parte* reliefs at Pg 11 of Index 2 against the Defendants be granted.

13. This court has carefully considered the submissions raised and has gone through the accompanying application as well as the documents filed alongwith the plaint, affidavit and statement of truth of Sh. Rajesh Jain , AR of the plaintiff and other material on record. On perusal of the record and hearing the counsel for the plaintiff and in view of the aforesaid reasons, this court is satisfied that the plaintiff has made out a prima-facie case for ex-parte injunction with respect to the allegations of the plaintiff that defendant no. 1 is

using the trademarks/logos/label and domain name of the plaintiff. This court is satisfied that balance of convenience are also in favour of the plaintiff which would suffer irreparable loss which cannot be compensated in terms of cost other than injunction.

14. Consequently, defendant no. 1 and its officers, servants, employees, agents and all persons acting by, through or under him from in any manner using directly or indirectly the Impugned Marks  and  in any manner using a mark which is identical or deceptively similar to the registered Plaintiff's ANI Marks are restrained.

15. Defendant No. 1 and its officers, servants, employees, agents and all persons acting by, through or under him from in any manner using directly or indirectly the Impugned Domain Name aninewsindia.in. Defendant No. 1 and its officers, servants, employees, agents and all persons acting by, through or under him from publishing or using in any manner any copyrighted content published by the Plaintiff on the registered Plaintiff's Websites www.aniin.com, www.aninews.in are restrained. Defendant No. 1 and its officers, servants, employees, agents and all persons, in active concert or participation with the Defendant No. 1 from advertising the Impugned Domain Name, using the Impugned Domain Name for auction purposes or for any other purpose, from transferring, alienating or offering for sale the Impugned Domain Name to any third party and from creating any third party interest in the said Impugned Domain Name.

16. Defendant No. 2, its directors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on its behalf or anyone claiming through, by or under it to block/suspend access to Defendant No.1's domain name aninewsindia.in and to disclose the contact details and other details of the owner/registrant of the Impugned Domain Name such as

identification, name, email, address, phone number, all IP addresses, etc as used by Defendant No.1.

17. Defendant No. 3 is directed to de-index and disable access to the website run by Defendant No. 1 under the Impugned Domain Name www.aninewsindia.in . Defendant No. 3 is directed to de-index, take-down/block and disable access to the You Tube channel https://www.youtube.com/channel/UCOGC9OnPDL367hNFxhssBww run by Defendant No. 1 containing the Impugned Domain Name or the registered Plaintiff's ANI Marks or any deceptively similar variants thereof, and further disable access to any other channel/ profile hosting the Impugned Marks or the Impugned Domain Name.

18. Defendant No. 4 is directed to block and disable access to the Facebook page https://www.facebook.com/ANI-News-India-2182950771768537/ of Defendant No. 1 containing the Impugned Domain Name or the registered Plaintiff's ANI Marks or any deceptively similar variants thereof, and further disable access to any other page/ profile hosting the Impugned Marks or the Impugned Domain Name.

19. Defendant Nos. 5-13 their directors, 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 take necessary steps to block access to the website under the Impugned Domain Name aninewsindia.in .

20. Defendant Nos. 14 and 15 are directed to take necessary steps to call upon the various internet and telecom service providers registered under it to block access to the website under the Impugned Domain Name aninewsindia.in .

21. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC.

22. Summons of the suit and notice of the application U/o XXXIX Rules 1 & 2 be issued to the defendant no. 1 to 4 at this stage

through all possible modes on filing of PF/RC/Speed Post/Courier/E-mail, returnable on **23.11.2022**. As prayed, copy of this order be given dasti to learned counsel for plaintiff for service/intimation to the defendants.

(VINAY KUMAR KHANNA)
District Judge
(Commercial Court-02)
South Distt., Saket, New Delhi/30.08.2022

जिला न्यायाधीश
District Judge
(वाणिज्यिक न्यायालय)–02
(Commercial Court)-02
साकेत कोर्ट परिसर, नई दिल्ली
Saket Court Complex, New Delhi

IN THE COURT OF DISTRICT JUDGE (COMMERCIAL COURT)

SOUTH DELHI DISTRICT, SAKET DISTRICT COURT

AT NEW DELHI

C.S. (COMM.) NO. OF 2022

IN THE MATTER OF:-

ANI MEDIA PVT. LTD. **...PLAINTIFF**

VERSUS

MR. DIGVIJAY SINGH MATHUR & ORS. **...DEFENDANTS**

MEMO OF PARTIES

ANI MEDIA PVT. LTD.
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Mobile: +91 98108 22511 **...PLAINTIFF**

VERSUS

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Phone No.: Not known **...DEFENDANT NO. 1**

2. **GODADDY.COM, LLC**
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ANI MEDIA PVT. LTD. NEW DELHI

DLF Corporate Park, M.G. Road,
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3. **GOOGLE LLC**
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4. **META PLATFORMS INC**
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5. **VODAFONE IDEA LIMITED**
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radhika.gokhale@vodafoneidea.com ...**DEFENDANT NO. 5**

6. **BHARTI AIRTEL LIMITED**
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ANI MEDIA PVT. LTD. NEW DELHI

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10. **MAHANAGAR TELEPHONE NIGAM LTD.**
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11. **RELIANCE JIO INFOCOMM LTD.**
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ANI MEDIA PVT. LTD. NEW DELHI

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neelakantan.an@ril.com ...**DEFENDANT NO. 11**

12. **SHYAM SPECTRA PVT. LTD.**
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13. **TATA TELESERVICES LTD.**
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14. **DEPARTMENT OF TELECOMMUNICATIONS**
Through Secretary,
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dirds2-dot@nic.in ...**DEFENDANT NO. 14**

15. **MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY**
Through the Director General (DIT) Cyber Laws & e-security,
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ns.balan@meity.gov.in;

sathya.s@meity.gov.in ...**DEFENDANT NO. 15**

ANI MEDIA PVT. LTD. NEW DELHI

ANI MEDIA PVT. LTD. NEW DELHI

PLAINTIFF

THROUGH

MANYAA CHANDOK / DISHA SHARMA /
VIDHI UDAYSHANKAR
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PLACE: **NEW DELHI**
DATED: 08.**08.2022**