

BY EAMIL/DOT WEBSITE

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-7/25/2011-DS-Vol.(VII) Part(III)

Dated:03-01-2023

To,
Internet Service Licensee's

Subject: CS No. 78 of 2018, titled as Indiamart Intermesh Ltd. Vs Ankit & Ors., before Hon'ble High Court, Calcutta.

Kindly find the enclosed Ministry of Electronics & Information Technology (MeitY) letter dated 28.12.2022 requesting Department of Telecommunications (DoT) to block the websites "**https://indiamart33.com**" and "**https://app.indiamart68.com**" in view of Hon'ble High Court Calcutta order dated 18.03.2019 in CS No. 78 of 2018 Indiamart Intermesh Ltd. Vs Ankit & Ors., before Hon'ble High Court, Calcutta and email dated 22.12.2022 of the plaintiff/petitioner in the case.

2. Accordingly, Internet Service licensees are requested for necessary blocking action as per request of MeitY vide letter dated 28.12.2022 for compliance of the Hon'ble court order dated 18.03.2019.

**ADET(DS-II)
Tel: 011-2303 6760
Email: adetds2-dot@gov.in**

Encl: A/A

- i. Sh. V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- ii. DoT Website.

eF.No. 4(64)/2022-CL
Government of India
Ministry of Electronics and Information Technology
Electronic Niketan
6, CGO Complex, Lodhi Road

New Delhi-110 003
28th December, 2022

Office Memorandum

Subject: Order dated 18.3.2019 of the Hon'ble High Court of Calcutta in CS 78 of 2018, Indiamart Intermesh Limited Vs Ankit & Ors - Request for blocking of the website "<https://indiamart33.com>" and application "<https://app.indiamart68.com>"

M/s Indiamart Intermesh Limited, the plaintiff in the court case cited in the subject noted above, vide email dated 07-12-2022 addressed to this Ministry, have requested that the website "<https://indiamart33.com>" and application "<https://app.indiamart68.com>" be blocked in pursuance of the order dated 18.3.2019 of the Hon'ble High Court of Calcutta in the said case. A copy each of the said email and order are enclosed herewith.

2. In the said order, the Hon'ble High Court had passed *ad interim* orders in terms of the plaintiff's prayer to restrain the defendants and such other websites/entities which are discovered during the course of the proceedings to have been engaging in infringing the petitioner's exclusive rights, or any one claiming through by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of petitioner in any manner. Attention is invited to the following extract from the said order:

"An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the petitioner to the ministry from the world wide web and the domain names which are deceptively similar to the trademark of the petitioner as could be identified by the petitioner to the Ministry through email address -legal@indiamart.com from time to time."

3. In this connection, it is pertinent that Internet Service Providers enter into a licence agreement and register themselves with the Department of Telecommunications.

4. In view of the above, the undersigned is directed to request the Department of Telecommunications to take necessary action to give effect to the direction contained in the Hon'ble High Court's said order by blocking the said website for the infringement as represented by the plaintiff.

Encl.: as above



(V. Chinnasamy)
Scientist "E"

Tel.: 011-24301328

Email: chinnasamy.v@meity.gov.in

The Secretary
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road
New Delhi-110 001

G. A. No. 604 OF 2019
G. A. N.D. 03 OF 2019
C. S. No. 78 OF 2018

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

CALCUTTA

Indiamart Intermesh Limited, a company incorporated under provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013, having its registered office at 1st Floor, 29 – Daryaganj, Netaji Subhash Marg, New Delhi – 110002 and also carrying on business from Rowdon Chamber, 3rd floor, 11A, Rowdon Street, Kolkata, within the aforesaid jurisdiction. ...Plaintiff

-Versus-

1. Ankit, operating <http://greatindiamart.in> and carrying on business from and/or residing at 352, Dadabari Ext., Kota – 324009;
2. Srinivas Balmoori, operating <http://kcimart.com> and carrying on business from and/or residing at 16004, Ballentine Street, Overland Park, Kansas, United States of America – 66062;
3. ShanmugaKavitha Subramanian, operating <http://usindiamart.com> and carrying on business from and/or residing at 1122, Winter Storm, Dr. Henderson, Nevada, United States of America – 89052;
4. [Http://www.onlineindiamart.com](http://www.onlineindiamart.com), operated from 14455, N. Hayden Road, Scottsdale Arizona, United States of America – 85260;



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5. Amit, operating <http://www.kemits.biz> and having a mobile number being +919998010455 and email ID being amit.99988@gmail.com, carrying on business from and/or residing at Vishwakarma Consultancy, A – 8, Jivan Park, Nr. Samratnagar, Isanpur, Ahmedabad, Gujrat – 382443;

6. Prince Rajput, operating <http://www.digitalgateway.in> having a mobile number being +917073161736 and an email ID being sales@digitalgateway.in and rajputagra2010@gmail.com, carrying on business from and/or residing at Elaboration Corporation, 375 C, Omicron 2, Greater Noida – 201310, Uttar Pradesh;

7. Jacob Michael, operating <http://www.marketsutra.com> and having a mobile number being +91990990990 and an email ID being n91.jacob@gmail.com, carrying on business and/or residing at Market Sutra, Gurgaon, Delhi – 110012;

8. IT Manage, operating <http://www.softwebtechnology.co.in> and having a mobile number being +919986660960 and an email ID being it@softwebtechnology.co.in, carrying on business from Sultan Palya, Bangalore, - 560032, Karnataka;

9. jSMTP, operating <http://www.jsmtip.com> and having a mobile number being +919310612312 and an email ID being info@jsmtip.com, carrying on business from Sec – 16, Noida – 201301, Uttar Pradesh;

10. Rajbir Vats, operating <http://www.smtpserver.in> and having a mobile number being +0911120473140 and an

email ID being smtpserver.in@gmail.com, carrying on

company and from B 4-5, Alipur, Delhi – 110036;

11. Hemant, operating <http://www.bol7.com> and having an email ID being hemant@bol7.com and hemant@smsshesms.com, carrying on business from and/or residing at F -7, B- 5, Rainbow Building, Sec – 10, Vashi, Navi Mumbai – 400703;
12. Nakul, operating <http://www.Mp3eg.com> and having an email ID being kavitarangani536@gmail.com, carrying on business from and/or residing at PipariyaVadi, Latipur, Ta – Dhrol, Di – Jamanagar, Rajkot – 361220;
13. AbhinavGulyani, operating <http://www.gulyani.com> and having an email ID being aby@gulyani.com, carrying on business from and/or residing at C – 217, PreetVihar, Near Clock Tower, Delhi – 110055;
14. <http://www.dataenginesoft.com/>, having email ID being main.dataengine@gmail.com and privacy@1and1.com, operated from 1 &1, Internet Inc., 701, Lee Road Suite 300, ATTN, Chesterbrook, PA – 19087;
15. <http://www.localextractor.com>, having email ID being c62de054282e4b8fa70cfb1657708ba8.protect@whoisguard.com and ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, PA, P. O. Box – 0823-03411;
16. <http://jusdialextractor.com>, having email ID being ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, P.A., P. O. Box – 0823-03411;

17. <http://www.vtzmp3.com>, having an email ID being [ad914e080e91460bbe932f4e2412d2f4](mailto:ad914e080e91460bbe932f4e2412d2f4@protect.whoisguard.com).
protect@whoisguard.com, operated from Whoisguard Protected, Panama, P.A., P. O. Box – 0823-03411;
18. <http://www.vimeo.com>, having an email ID being support@vimeo.com, operated from Vimeo Inc., 555, West 18th Street, 2nd Floor, New York – 10011, United States of America;
19. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.flave.online, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
20. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.amirapress.com, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
21. <http://www.dailymotion.com>, a domain manager, having an email ID being whois@dailymotion.com, operated from 140, Boulevard Malesherbes, Paris – 75017, France;
22. <http://www.leadstoolmarketing.com>, operated by Domains By Proxy, LLC, having an email ID being leadstoolmarketing@gmail.com, carrying on business from 14455, N. Hayden Road, Scottsdale, Arizona – 85260, United States of America;
23. <http://www.pose.newfloats.com>, having an email ID being ceramicpose@gmail.com;
24. <http://www.datawali.com>, domaincontrol.com, ns18.domaincontrol.com;

25. Aryan Chopra, carrying on business in the name and style of Webposh Infotech, operating as <http://www.travelsindiamart.com/home>, having its place of business at Main Dadri Road, Sector 44 Noida, Uttar Pradesh 201301, outside the jurisdiction aforesaid;

26. Ashil Shah, carrying on business and/ or operating as <https://indianmart.com/about/>, having his place of business at 9, Valley Road, Markfield, LE679, QS, United Kingdom, outside the jurisdiction aforesaid.

27. Ashok Kumars;

All carrying on business and/or operated from and/or residing at, as the case may be, outside the jurisdiction aforesaid.

...Defendants/Respondents

I certify that the supplied cause title in the GA. No. 604 of 2019 with CS. No. 78 of 2018 is true and correct to the best of my knowledge and belief.

S. Mankul
Advocate

S. Mankul
01-4-19

"Cause title Checked & Verified"

ORDER SHEET

GA 604 of 2019
WITH
CS 78 of 2018



IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

49

INDIAMART INTERMESH LIMITED
Versus
ANKIT & ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
Date : 18th March, 2019.

Appearance:
Mr. S.K. Bajoria, Adv.
Mr. S. Dasgupta, Adv.
Mr. Kanakendu Chatterjee, Adv.

The Court: The plaintiff has filed this suit for alleged infringement of its trademark "INDIAMART". Being prima facie satisfied by the plaintiff's case, an order dated 16th May, 2018 was passed by a learned Judge in terms of prayer (b) and (e) of the notice of motion which read as follows :-

"(b) An order of injunction restraining the Respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its 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 using a mark and/or domain name which is

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identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.”

“(e) An order directing the Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner.”

The said interim order was confirmed and GA 1020 of 2018 was disposed of by an order dated 17th September, 2018.

The present application has been taken out by the plaintiff praying ^{for}, amongst others, the following order :-

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address - legal@indiamart.com from time to time.”

Learned Counsel submits that this has become necessary in view of the report of the Ministry of Electronics and Information Technology, a copy whereof is Annexure-B to the present application. It is submitted that the said Ministry ✓

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has informed the petitioner that without a specific order of Court, necessary measures cannot be taken by the Ministry.

Having heard learned Counsel for the parties, I pass an order in terms of prayer (a) of the application.

No useful purpose will be served by keeping the application pending.

GA 604 of 2019 is, accordingly, disposed of. ✓

Sd/- A. Banerjee, J.
(ARIJIT BANERJEE, J.)

R.Bhar
Rbhar

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Exd
S. Sengupta
08/2/19

CERTIFIED TO BE A TRUE COPY

Omkar Bal chowdhry 8/4/19

Authorised under Section 76 of
the Indian Evidence Act. 1872
Act- 1 of 1872)

GA NO.	604	OF 2019
GA NO.		OF 201
AP NO.		OF 201
CA NO.		OF 201
CP NO.		OF 201
CS NO.	78	OF 2018
WF NO.		OF 201
AS NO.		OF 201
EOS NO.		OF 201
CC NO.		OF 201
TS NO.	8	OF 201
PLA NO.		OF 201
EC NO.		OF 201

- i) Date of application for Copy 19.03.19
- ii) Date of notifying the charges. 01.04.19
- iii) Date of putting in the Charges 01.04.19
- iv) Date on which the copy is ready for delivery. 08.04.19
- v) Date of Making over the copy to the applicant. 09/04/19

Indiamart Intermesh Limited

Gautam Das
 Section Officer 8/4/19
 (Group-A Service)
 High Court, Original Side
 Calcutta

Ahussain
 08/4/19

.....VS.....

Ankit & ORS.

ORDER/JUDGMENT PASSED BY
THE HON'BLE JUSTICE

ARIJIT BANERJEE

ON

18/03/2019

FILED THIS 18th DAY OF April 2019

S.K. Bajoria (Adv)



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