

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-50/2022-DS-II**Dated: 14-11-2022****To,**

All Internet Service Licensee's

Subject: CS (Comm.) No. 628 of 2022 titled as ANI Media Pvt. Ltd. Vs. Rajeev Garg & Ors. Before District Judge (Comm. Court)-02, South District, Saket Courts, New Delhi.

Kindly find the enclosed Hon'ble District Judge (Comm. Court)-02, South District, Saket Court Complex, New Delhi order dated 05th November, 2022 in the subject matter court case CS (Comm.) No. 628 of 2022 for compliance. DoT is defendant No. 19 in this case.

2. Court order dated 05th November, 2022 has, inter alia, directed that:

*15. Defendant Nos. 10 to 18, their directors, partners, proprietors, 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 block access to the website under the Impugned Domain Names **aninetwork.in** and **anibroadbandservice.com**.*

*16. Defendant Nos. 19 and 20 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 Names **aninetwork.in** and **anibroadbandservice.com**.*

3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary blocking action for compliance of the court order dated 05.11.2022 with respect to websites/domains as mentioned in **para '16'** of the court order.

**Director(DS-II)
Tel: 011-2303 6860
Email: dirids2-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. 20) for kind information and necessary action.

IN THE COURT OF DISTRICT JUDGE (COMM COURT-02)

SOUTH DISTRICT, SAKET COURTS: NEW DELHI

विनय कुमार खन्ना
VINAY KUMAR KHANNA

जिला न्यायाधीश

District Judge

(वाणिज्यिक न्यायालय)-02

(Commercial Court)-02

दक्षिण, कक्ष सं. 503, पाँचवा तल

Room No. 503, Fifth Floor

साकेत कोर्ट परिसर, नई दिल्ली

Saket Court Complex, New Delhi

CS (COMM) 628 of 2022

ANI Media Pvt. Ltd.

Vs.

Rajeev Garg & Ors.

..... Plaintiff

.....Defendants



ORDER



05.11.2022


Present: Ms. Disha Rajat Sharma alongwith Ms. Manyaa Chandok, counsels for the plaintiff (Mob. No. 9899675905 and email ID : manyaa.chandok@gmail.com)

1. This is a suit for permanent and mandatory injunction for infringement of Traemark, passing off, rendition of accounts, dilution, damages etc and for registering and using doman names "ANINetwork.IN" and "ANI BROADBANDSERVICE.COM". Alongwith suit, application U/o XXXIX Rules 1, 2 & 10 CPC r/w Section 151 CPC and U/s 151 CPC r/w Section 12A(1) of the Commercial Courts Act, 2015 have also been filed.

2. Heard submissions on the application U/o XXXIX Rules 1, 2 & 10 CPC r/w Section 151 CPC and record perused.

3. Plaintiff has filed the pesent suit against illegal and unauthorized use of its trade marks  and , brand name 'ANI' and its domain names aniin.com, aninews.in (Plaintiff's ANI Marks and Domain Names). It is submitted that

Defendants 1,2 and 3 are using the marks ,  and

 and the domain names aninetwork.in and anibroadbandservice.com (Impugned Marks and Impugned



Domain Names) which are deceptively similar to Plaintiffs marks and domain names. It is submitted that the first ANI mark has been registered since 2003 in Classes 16 and 38, and subsequently the registration of the ANI marks have been renewed and at present, the registration of ANI marks is valid up to 2032. It is submitted that plaintiff is India's leading multimedia news agency providing syndicated news feeds with over 100 bureaus in India, South Asia and across the globe under the name of '*Asian News International*' and '*ANI*' and that the plaintiff has been operating in the said business for over five decades since the year 1971. It is stated that various leading news channels and newspapers rely upon the plaintiff and its services for regular news content and updates. Notably, when such newspapers or news channels publish the content generated by the plaintiff, they attribute such content to the Plaintiff and disclose the Plaintiff's news agency as their source. It is submitted that the abbreviation 'ANI' was devised by the plaintiffs in 1971 and is an arbitrary term which stands for '*Asian News International*'.

4. It is submitted that defendant No. 1, Mr. Rajeev Garg is the owner of the registered domain www.anibroadbandservice.com as well as the Director of the Defendant No. 2 and 3 Companies, *ANI Network Pvt. Ltd.* and *ANI Broadband Service Pvt. Ltd.*, while the Defendant No. 2 is the owner of the registered domain name www.aninetwork.in, and further are running the websites www.aninetwork.in and www.anibroadbandservice.com (Impugned Domain Names). It is stated that Defendant No. 4 and 5 are the registrars of the Impugned Domain Names and Defendant No. 6 and 7 are social

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media platforms and Defendant No. 8 and 9 are platforms on which the Defendant Nos 1,2 and 3 have their applications. It is submitted that the Defendant Nos. 1, 2 and 3 have used the Impugned Domain Name and Marks 'ANI' on their social media pages as well as on their applications and Defendant Nos. 10 to 18 are the Internet service providers, Defendant No. 19 is the Department of Telecommunications and Defendant No. 20 is the Ministry of Electronics and Information Technology (MEITY). It is submitted that the Plaintiff states that Defendant Nos. 4 to 20 are proper and necessary parties for effective implementation of any restraint orders including blocking access to Impugned Domain Name, passed by this Court in the captioned Suit.

5. It is submitted that any orders restraining Defendant Nos. 4 to 9 will not result in blocking access to the Impugned Domain Name/ Website/Application. It is stated that Defendant Nos. 4 and 5 *i.e.* the Domain Name Registrars, in their limited technical capacity, can only suspend the said websites. It is further stated that Defendant No.8, Google, can only de-index the said website from its search engine. It is stated that Defendant No. 6 and 7, Facebook and Twitter, can only block access to the social media pages belonging to Defendant No.1, 2 and 3. It is stated 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 Nos 5 to 13) and to Defendant Nos. 7 and 8 platforms hosting Defendant Nos. 1, 2 and 3's applications.

6. It is stated that in any event, on the basis of the principle of '*dominus litus*' the plaintiff has impleaded Defendant



Nos. 4 to 20 as proforma parties for effective implementation of restraint orders passed by this Court. It is stated that 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 stated that the Plaintiff is the *bona fide* prior adopter, user and the registered owner of the ANI Marks in India and further, the brand name of the ANI marks and the domain names are the main identifiers of the plaintiff's platform. It is stated that Defendant Nos. 1, 2 and 3 are unlawfully using the impugned marks and unlawfully registered the impugned domain names which are *ex-facie* deceptively similar to the plaintiff's ANI Plaintiffs have filed the present suit against illegal and unauthorized use of its trade marks  and , brand name 'ANI' and its domain names aniin.com, aninews.in (Plaintiff's ANI Marks and Domain Names). It is stated that Defendants 1, 2 and 3 are using the marks ,  and  and the domain names aninetwork.in and anibroadbandservice.com which are deceptively similar to plaintiffs marks and domain names. It is stated that the first ANI mark has been registered since 2003 in Classes 16 and 38, and subsequently the registration of the ANI marks have been renewed. It is submitted that at present, the registration of ANI marks is valid up to 2032.

7. 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. 1,2 and 3, is creating a high degree of confusion and deception resulting in passing off, apart from infringing Plaintiffs rights in



the Marks and the use of the Impugned Marks is creating confusion in the minds of the public and hurting the reputation and goodwill earned over the years by the Plaintiffs for their unique and arbitrary ANI marks. It is stated that the substandard reviews posted by customers of the Defendant No. 1, 2 and 3 and due to the deceptively similar marks used by the Defendant Nos. 1, 2 and 3, such substandard reviews are directly hurting the Plaintiffs and thereby leading to dilution and tarnishment of the goodwill and reputation of the Plaintiffs.






8. Ld. Counsel for the plaintiff 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 on this basis this Court has protected the Plaintiff's ANI Marks and Domain Names by its order dated 30.08.2022 in CS(COMM) 498 of 2022. It is thus, submitted that the Plaintiff is therefore entitled to prevent third parties, who do not have Plaintiff's consent, authorization 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.

9. It is stated that the conduct of the Defendant No.1, 2 and 3 through its illegal activities is blatantly dishonest and in bad faith and accordingly, the Plaintiff has established a strong *prima facie* case and the balance of convenience is also in favour of the plaintiff and against the Defendant No. 1, 2 and 3. It is stated 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, if the Defendant No. 1, 2 and 3 are not restrained by an immediate order of interim injunction. It is submitted that the intellectual property rights belonging to the plaintiffs are being infringed by the Defendant No. 1, 2 and 3 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.

10. 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.

11. Consequently, Defendant Nos. 1 to 3 and its partners or proprietors, officers, servants, employees, agents and all persons acting by, through or under them are restrained till next date of hearing from in any manner using directly or indirectly the Impugned Marks , ,  and  or in any manner using any other mark identical/deceptively similar to the Plaintiff's 'ANI' brand name and registered ANI Marks 



and  amounting to trademark infringement of the Plaintiff's registered ANI Marks in any manner whatsoever and amounting to passing off of the Plaintiff's registered ANI Marks. Defendant No. 1 to 3 and its partners or proprietors, officers, servants, employees, agents and all persons acting by, through or under him are also restrained till next date of hearing from in any manner using directly or indirectly the Impugned Marks ,  and  or in any manner using any other mark identical/deceptively similar to the Plaintiff's 'ANI' brand name and registered ANI Marks **ANI** and  amounting to unfair competition, misappropriation, dilution and tarnishment of the Plaintiff's registered ANI Marks Defendant Nos. 1, 2 and 3 from publishing or using in any manner any copyrighted content published by the Plaintiff on its registered domain names 'aninetwork.in' and 'anibroadbandservice.com'. Defendant Nos. 1 to 3 and its partners or proprietors, officers, servants, employees, agents and all persons acting by, through or under him are also restrained till next date of hearing from in any manner using directly or indirectly the Impugned Domain Names aninetwork.in and anibroadbandservice.com amounting to passing off of the Plaintiff's registered domain names aniin.com, aninews.in.

12. Defendant No. 4 and 5, its directors, partners, proprietors, 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 are restrained till next date of hearing to block/suspend access to Defendant No. 1 and



2's domain names aninetwork.in and anibroadbandservice.com and to disclose the contact details and other details of the owner/registrant of the Impugned Domain Names such as identification, name, email, address, phone number, all IP addresses, etc as used by Defendant Nos.1 and 2.

13. Defendant No. 6 and 7 are directed to block and disable access to the Facebook pages <https://www.facebook.com/networkani/> and <https://www.facebook.com/ANIBroadband00/> and the Twitter Accounts <https://twitter.com/AniBroadband> respectively, of Defendant Nos. 2 and 3 containing the Impugned Domain Names 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 that belong to Defendant Nos. 1, 2 and 3.

14. Defendant No. 8 and 9 are directed to de-index, take-down, block and disable access to the Applications 'ANI Network' run by Defendant Nos. 1 and 2 containing the Impugned Domain Names or the registered Plaintiff's ANI Marks or any deceptively similar variants thereof, and further disable access to any other Applications hosting the Impugned Marks or the Impugned Domain Name that belong to Defendant Nos. 1, 2 and 3.

15. Defendant Nos. 10 to 18, their directors, partners, proprietors, 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 block access to the website under the Impugned Domain Names aninetwork.in and anibroadbandservice.com.



16. Defendant Nos. 19 and 20 are directed to take necessary steps to call upon the various Internet and telecome service providers registered under it to block access to the website under the Impugned Domain Names aninetwork.in and anibroadbandservice.com.

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

18. 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 **05.01.2023**. 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/05.11.2022

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

