

**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-13/2020-DS-II****Dated:20-10-2022****To,**

All Internet Service Licensee's

**Subject: CS Comm No. 350 of 2020; titled as Gujarat Cooperative Milk Marketing Federation Ltd and Anr v/s Amul Franchise.In and Ors, before Hon'ble Delhi High Court.**

In continuation to Department of Telecommunication even no. letters dated 09-09-2020, 14.09.2020 & 04.12.2020, kindly find the enclosed herewith Hon'ble Delhi High court order dated 06<sup>th</sup> October 2022 for compliance in the subject matter court case C.S.(Comm) No. 350 of 2020. Wherein DoT is the respondent No. 35.

2. Hon'ble Court vide order dated 06<sup>th</sup> October 2022 has, inter alia, stated that:

***I.A.16146/2022 (u/O I Rule 10 CPC) & 16148/2022 (u/O XXXIX Rules 1 & 2 CPC)***

*6. The above order shall apply mutatis mutandis to the domain name **https://amuldairydealership.co.in**, as also its Registrant and the concerned DNR. Accordingly, GoDaddy.com and NIXI are directed to suspend and block the domain name **https://amuldairydealership.co.in**, and also maintain status quo. The Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MEITY) to direct the ISPs to block the impugned domain name with immediate effect.*

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***I.A.12172/2022 (u/O I Rule 10 CPC) & 12166/2022 (u/O XXXIX Rules 1 & 2 CPC)***

*16. These are two applications filed on behalf of the Plaintiffs under Order I Rule 10 CPC and under Order XXXIX Rules 1 & 2 CPC seeking impleadment of Mr. Atul Paun, Cosmotown INC. and Porkbun LLC as Defendants, and seeking injunction against them respectively. These applications relate to domain names **www.cafeamul.com** and **www.cafeamul.in** (hereinafter, 'impugned domain names'). The impugned domain names are registered by M/s. Cosmotown Inc and M/s. Porkbun LLC.*

*19. M/s. Cosmotown Inc and M/s. Porkbun LLC, are directed to suspend and block the impugned domain names, and also maintain status quo. The*

*Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MEITY) to direct the ISPs to block the impugned domain name with immediate effect. The present order shall be given effect to within 48 hours.*

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 06.10.2022, specifically as per para 6 & 19 with respect to impugned websites/domain mentioned in the court order.

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

Encl: A/A

- i. V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi (Respondent no. 36) for kind information and necessary action.
- ii. DoT Website.

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS (COMM) 350/2020**

**GUJARAT COOPERATIVE MILK MARKETING FEDERATION**  
**LTD & ANR.** ..... Plaintiffs

Through: Mr. Abhishek Singh, Mr. J. Amal  
Anand, Mr. Elvin Joshi and Mr.  
Ujjawal Verma, Advocates.  
(M:9910291290)

versus

**AMUL-FRANCHISE.IN & ORS.** ..... Defendants

Through: Mr. Praveen Kumar Jain and Ms.  
Shalini Jha, Advocates for D-  
37/NIXI. (M:9871278525)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **06.10.2022**

1. This hearing has been done through hybrid mode.

**I.A.16146/2022 (u/O I Rule 10 CPC) & 16148/2022 (u/O XXXIX Rules 1 & 2 CPC)**

2. These are two applications filed on behalf of the Plaintiffs, under Order I Rule 10 CPC, and under Order XXXIX Rules 1 & 2 CPC, seeking impleadment of the registrant of the domain name <https://amuldairydealership.co.in> as Defendant No. 62 (*hereinafter*, 'Proposed Defendant'), and seeking injunction against the same. The said domain name i.e. <https://amuldairydealership.co.in> (*hereinafter*, 'dealership domain'), is registered through GoDaddy.com LLC (Defendant No. 26), and the Registrar is National Internet Exchange of India (NIXI) (Defendant No. 37).

3. Mr. Singh, ld. Counsel appearing for the Plaintiffs, submits that the

Proposed Defendant is using the dealership domain name consisting of the mark 'AMUL', which is identical to the Plaintiffs' well known trademark 'AMUL', and is offering dealerships and franchises to gullible customers. He relies upon screenshots of the website, set out in the injunction application, to support this contention.

4. A perusal of the same shows that the Proposed Defendant is illegally using the mark and logo AMUL, and is also portraying himself to be connected to the Plaintiffs. The relevant screenshots, are reflected as under:



## TYPES OF AMUL FRANCHISE



### FRANCHISE

- AREA 1000 TO 2000 SFT
- OFFICE REQUIRED
- SETTING ARRANGEMENT REQUIRED
- PARKING AREA REQUIRED

### • Distributor:

### FRANCHISE

- AREA 1000 TO 2000 SFT
- OFFICE REQUIRED
- SETTING ARRANGEMENT REQUIRED
- PARKING AREA REQUIRED

APPLY NOW →



### DISTRIBUTOR

- AREA 500 TO 1000 SFT
- OFFICE REQUIRED
- SITTING ARRANGEMENT REQUIRED
- PARKING AREA REQUIRED

APPLY NOW →

5. For the reasons stated in the application, the proposed Defendant is impleaded as Defendant No.62. Further, the said Defendant is liable to be enjoined in terms of the order previously passed by this Court dated 28th August, 2020. The relevant part of the order dated 28<sup>th</sup> August, 2020, has been extracted hereinbelow:

*“11. Considering the averments in the plaint as also the documents filed therewith, this Court finds that the plaintiffs have made out a prima facie in their favour and in case no ex-parte ad-interim injunction is granted, not only the plaintiffs but common public would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiffs. Consequently, an ex-parte ad-interim injunction is granted in favour of the plaintiffs and against the defendant Nos. 1 to 8 in terms of prayer (a) and (b) of IA 7456/2020 till the next date of hearing before this Court. The defendant Nos. 26 to 34 are directed to suspend/block/delete the domain names as mentioned in the plaint within 36 hours of the receipt of this order. The defendant Nos. 26 to 34 are further restrained from offering for further sale the domain names so directed to be suspended/blocked/deleted by this order and also those containing names/domain names/websites having the words/expressions AMUL with or without a prefix or a suffix. The defendant Nos. 35 to 37 are directed to block access of defendant Nos. 1 to 8 websites. Defendant No. 9 to 25 which have the details of the bank accounts in the various banks will furnish to this Court, the details of the account holders, their addresses and contact details as also the statement of account.*

*12. Plaintiffs are granted leave to implead and seek necessary relief in case they discover any other website/domain/entity which is infringing the plaintiffs' trademark AMUL and/or carrying out the similar fraudulent activities.”*

6. The above order shall apply *mutatis mutandis* to the domain name

<https://amuldairydealership.co.in>, as also its Registrant and the concerned DNR. Accordingly, GoDaddy.com and NIXI are directed to suspend and block the domain name <https://amuldairydealership.co.in>, and also maintain *status quo*. The Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MEITY) to direct the ISPs to block the impugned domain name with immediate effect. The details of the registrant of this domain name, including credit card details, name, address, email address, mobile number, or any other details including the payment details, such as payment made through any payment application etc., shall also be provided to the Plaintiffs by GoDaddy.com LLC within one week.

7. Mr. Banerjee, Id. Counsel appearing for GoDaddy today, accepts notice and Mr. Praveen Kumar Jain, Id. Counsel, accepts notice for NIXI.

8. The present order shall be given effect to within 48 hours.

9. ***I.A.16146/2022*** and ***I.A.16148/2022*** are disposed of. Compliance of Order XXXIX Rule 3 CPC be made within one week.

**I.A.16147/2022 (for early hearing)**

10. This is an application filed on behalf of the Plaintiffs seeking early hearing of the applications being ***I.A. 12172/2022*** under Order I Rule 10 CPC, ***I.A.12166/2022***, under Order XXXIX Rules 1 & 2 CPC and ***I.A.12175/2022*** under Section 151 CPC for filing additional documents.

11. For the reasons stated in the applications, the request for early hearing is allowed and all three applications are taken up for hearing today.

12. ***I.A.16147/2022*** is disposed of.

**I.A.12175/2022 (for Additional Documents)**

13. This is an application filed on behalf of the Plaintiffs seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015

(*hereinafter*, 'Commercial Courts Act').

14. The Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.

15. *I.A.12175/2022* is disposed of.

**I.A.12172/2022 (u/O I Rule 10 CPC) & 12166/2022 (u/O XXXIX Rules 1 & 2 CPC)**

16. These are two applications filed on behalf of the Plaintiffs under Order I Rule 10 CPC and under Order XXXIX Rules 1 & 2 CPC seeking impleadment of Mr. Atul Paun, Cosmotown INC. and Porkbun LLC as Defendants, and seeking injunction against them respectively. These applications relate to domain names [www.cafeamul.com](http://www.cafeamul.com) and [www.cafeamul.in](http://www.cafeamul.in) (*hereinafter*, 'impugned domain names'). The impugned domain names are registered by M/s. Cosmotown Inc and M/s. Porkbun LLC.

17. It is submitted by Id. Counsel for the Plaintiffs, that the impugned domain names are registered by one Mr. Atul Paun, who claimed himself to be the registrant of these domain names. Mr. Atul Paun also made a demand of Rs.1 Crore on whatsapp and email, for transferring the impugned domain names. The said emails and Whatsapp exchanges were exchanged with the Managing Director of and other officials of the Plaintiff No.1 - Gujarat Cooperative Milk Marketing Federation Ltd. and have been placed on record.

18. Clearly, the name 'CAFE AMUL' is a complete rip-off of the Plaintiff's registered mark 'AMUL' and the demand for Rs.1 Crore clearly makes the registration of the impugned domain names a bad faith



registration, as per the provisions of Uniform Domain-Name Dispute-Resolution Policy (UDRP) as approved by ICANN.

19. M/s. Cosmotown Inc and M/s. Porkbun LLC, are directed to suspend and block the impugned domain names, and also maintain *status quo*. The Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MEITY) to direct the ISPs to block the impugned domain name with immediate effect. The present order shall be given effect to within 48 hours.

20. Both the *I.A.12172/2022 & 12166/2022* are disposed of.

**CS (COMM) 350/2020**

21. This suit is a part of the connected matters relating to DNRs, the lead matter of which being *CS (COMM) 135/2022* titled *Dabur India Ltd v. Ashok Kumar & Ors.*

22. List on the date already fixed i.e. 1<sup>st</sup> December, 2022.

**PRATHIBA M. SINGH, J.**

**OCTOBER 6, 2022/dk/kt**