

BY EMAIL

**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-15/2022-DS-II

Dated:26-04-2022

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 252 of 2022; Just Dial Limited V/s M/s Local Search Solutions Private Limited & Ors. Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated 20th April, 2022 in the subject matter court case C.S. (Comm) No. 252 of 2022 with respect to blocking of website **www.nicelocal.in**. DoT is defendant No. 4 in the case.

2. Hon'ble Court in order dated 20th April, 2022 has, inter alia, directed that:

28. *Accordingly, till the next date of hearing,*

*iii. Defendant Nos. 3 and 4 - Ministry of Electronics and Information Technology (MeitY), and Department of Telecommunications (DoT) are directed to issue instructions within 48 hours to all the ISPs to block the website **www.nicelocal.in** and to suspend the services of the said website. The said ISPs shall take immediate steps to block the website **www.nicelocal.in**.*

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 20th April, 2022 with respect to website **www.nicelocal.in** immediately.

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) 252/2022

JUST DIAL LIMITED

..... Plaintiff

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Aditya Gupta, Ms. Abhilasha
Nautiyal, Mr. Sauhard Alung, S. Seth,
Mr. Bandan Karkidholy, GC/VP -
Legal (M:9958158982)

versus

M/S LOCAL SEARCH SOLUTIONS PRIVATE LIMITED
& ORS.

..... Defendants

Through: Mr. Kirtiman Singh, CGSC with Ms.
Kunjala Bhardwaj, Advocates for D-3
& 4 (M:9811700872)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **20.04.2022**

1. This hearing has been done through hybrid mode.

I.A. 6081/2022 (for exemption)

2. Allowed, subject to all just exceptions. *I.A. 6081/2022* is disposed of.

I.A. 6082/2022 (additional documents)

3. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015. The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.

4. Accordingly, *I.A. 6082/2022* is disposed of.

I.A. 6083/2022 (advance service upon Defendants)

5. In view of the fact that the Plaintiff has sought *ex parte ad-interim*

injunction, the exemption from advance service to Defendants is granted.

6. Accordingly, *I.A. 6083/2022* is disposed of.

CS(COMM) 252/2022

7. Let the plaint be registered as a suit.

8. Issue summons in the suit and notice in the application to the Defendants through all modes, upon filing of Process Fee.

9. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

10. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an 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 prescribed under the Delhi High Court (Original Side) Rules, 2018.

11. List before the Joint Registrar for marking of exhibits on 15th July, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

12. List before the Court on 25th August, 2022.

I.A. 6080/2022 (for stay)

13. The Plaintiff- Just Dial Limited, has filed the present suit seeking permanent injunction restraining data theft, violation of its trademark, copyright, unfair competition, rendition of accounts and other reliefs. The

business of the Plaintiff is that of directory services and listing services, also popularly known as a search engine. It also provides various services including Searching Service, Search Plus Services, JD Mart, JD Pay, JD Omni, etc. The Plaintiff also has voice services available on '8888888888' which is accessible 24 x 7 with multilingual support.

14. The services of the Plaintiff were started in 1996 and over the years the business and the services provided by the Plaintiff have expanded. It has a large number of clients who list their products and services on www.justdial.com in order to extend their reach to customers.

15. The foundation of the Plaintiff's business is a database consisting of more than 30 million listings and 142 million quarterly unique users across the various platforms such as the web platform, mobile application, voice platform, etc. Apart from the basic listings which are freely provided, the Plaintiff also provides various paid services. There are stated to be more than 4 lakhs paid campaigns as per the plaint. The Plaintiff collects data related to various products and services from newspapers, visiting cards, pamphlets, magazines, etc. by appointing data collectors, and 'join free option' made available on the Just Dial portal. The validation of such data is also carried out from time to time by Plaintiff's support team to keep the database updated.

16. The Plaintiff uses the marks 'JUST DIAL', Justdial.com, the initials 'JD', and the following 'Jd logo':



17. According to the Plaintiff, the mark 'JUST DIAL' has become a well known and famous mark on account of high quality of services, long user since the year 1996 and extensive publicity & promotion. It is claimed in the plaint that over the past four years alone, the Plaintiff has spent a sum of Rs.247,00,00,000/- (two hundred forty seven crores) on advertisements and promotional activities.

18. A perusal of the record shows that the mark 'JUST DIAL' as also its various formative marks including JD, JD List, JD Omni, Just Dial in logo form are registered in various classes including 39, 9, 16. Some of the trademark registrations of the Plaintiff are as under:

Trade Mark	Country	Application no.	Class
Justdial	India	2189347	16
Justdial.com	India	2189345	9
Justdial	India	2189346	16
Justdial	India	2189351	35
Justdial.com	India	2189348	16
Justdial.com	India	2189353	35
Justdial	India	2189342	9

19. The Plaintiff- www.justdial.com is one of the most popular directory services in India. Owing to the nature of services it provides, the Plaintiff has a large quantum of data including images, address, information, texts,

designs, graphics, animations and other materials on its website. The case of the Plaintiff is that the compilation of data, images and content is a highly valuable literary work protected under section 2(o) of the Copyright Act, 1957. The Plaintiff claims that the data, content and images, which are displayed on Plaintiff's website and stored in its database is the intellectual property of the Plaintiff.

20. The case of the Plaintiff is that Defendant No.1, has verbatim lifted thousands of listings, source data code, corporate numbers, and other proprietary data of the Plaintiff. Over 5000 listings on the Defendants' website are stated to be containing reference to the Plaintiff's content delivery network path ('*jdmagicbox*') in their source code data. The said data is stated to have been scraped from the Plaintiff's portal and thereafter published on Defendant's website www.nicelocal.in.

21. Mr. Dayan Krishnan, Id. Senior Counsel appearing for the Plaintiff submits that the Defendant No.1- M/s Local Search Solutions Private Limited is a company which runs a local search platform/website by the name www.nicelocal.in. The said website provides local search related services to its users. Both the shareholders of the Defendant No.1 are located abroad. One of the Directors of Defendant No.1, is located in Delhi and one is located outside India. Defendant No.2-Mr. Rajiv Sharma is the Director of Defendant No.1 who is residing in Delhi.

22. The Plaintiff realized a few months ago that Defendant No.1 was operating its website www.nicelocal.in by copying large volumes of data from the Plaintiff's website. It is submitted by referring to various illustrations that the data has been lifted *en bloc* from Plaintiff's website as is clear from the use of the 'Jd logo' watermark, appearance of identical

source codes, dummy listings, phone numbers, and complete customer review from Plaintiff's website on Defendant's website.

23. He submits that upon realising the large scale violation of Plaintiff's rights being made by the Defendant Nos. 1 and 2, the Plaintiff made a trap transaction by posing as a customer. It was realised that the Defendants were collecting money through Credit Card without issuing invoices. The Defendants also placed the Credit Card of the Plaintiff used for the transaction on auto debit mode resulting in amounts being deducted from the Plaintiff's credit card in the month of January, 2022 without any order being placed by the customer at all. It is submitted that large sums of money from gullible customers may have been taken in this manner. The Plaintiff then filed a criminal complaint with the Gautam Budh Nagar (Noida) Police Station and the investigation is stated to be underway. An FIR bearing no. 11/2022 at Police Station Noida Sector 20 has been registered in relation to the said complaint.

24. The court has heard the Id. Sr. Counsel for the Plaintiff and perused the record. Various illustrations of copying of Plaintiff's data by the Defendants have been shown to the Court which are as under:

- i. In one listing on the Defendants' website, the 'Jd logo' watermark has been copied along with the photograph and the other materials in respect of a car which was originally advertised on Plaintiff's platform in respect of one '*Maa Tours and Travels*'. In the said listing on Defendants' website, the link to the Content Delivery Network of the Plaintiff is also appearing though, the said server does not provide any services to Defendant Nos. 1 and 2.

- ii. In the case of another listing relating to one '*M/s Munna Motors*', the source code of the identical listing on Plaintiff's website is also appearing in the source code of Defendants' website.
- iii. In the case of listing of one '*Royal family Spa*', a phone no. being (79)470-701-11 which is stated to be uniquely allotted to the Plaintiff by the telecom company and permitted by the Plaintiff to be used by the customer of the Plaintiff is being reflected on the Defendants' website.
- iv. In another instance, a dummy listing being '*ZXY Shwetank Stores*' which is a non-existent organisation, which is placed on the Plaintiff's website is also reflected on Defendants' website.
- v. A customer review dated 12th April, 2019 of a photographer placed by a customer has been copied in its entirety on Defendants' website though the Defendants' website came into existence only in March, 2021.

25. A perusal of the above instances and various other documents and printouts placed on record shows that the Defendants have unabashedly copied the data of the Plaintiff. This is a cause of concern to the Plaintiff considering the large amount of data relating to their clients and customers is available on their website. The exact *modus operandi* of the Defendants is not yet known to the Plaintiff in as much as the investigation in the criminal complaint is still underway.

26. After perusing the manner in which the Defendant Nos.1 and 2 are collecting payments, it is clear that there are a large number of innocent

persons who may be duped by the Defendants who continue to operate the website www.nicelocal.in.

27. In view of the circumstances of the case and the interest of the general public as well, the Plaintiff has made out a *prima facie* case for grant of an *ex parte ad-interim* injunction. The balance of convenience lies in the favour of the Plaintiff. If the relief sought is not granted, irreparable loss would be caused as it would not only jeopardize the Plaintiff's rights but also the rights of various clients, customers of the Plaintiff as also the general public who may make payments to avail the services of Defendant Nos. 1 and 2.

28. Accordingly, till the next date of hearing,

- i. The Defendant Nos. 1 and 2 are restrained from providing or advertising any goods or services on their website www.nicelocal.in or utilizing the data belonging to the Plaintiff in any manner till the next date of hearing.
- i. The Defendant nos. 1 and 2 are also restrained from collecting any payments from any customers through the platform www.nicelocal.in.
- iii. Defendant Nos. 3 and 4 - Ministry of Electronics and Information Technology (MeitY), and Department of Telecommunications (DoT) are directed to issue instructions within 48 hours to all the ISPs to block the website www.nicelocal.in and to suspend the services of the said website. The said ISPs shall take immediate steps to block the website www.nicelocal.in.

- iv. The domain name Registrar of the Defendant's website- ***101domain, Inc.*** upon receiving communication from the Plaintiff's counsel along with the copy of this order, shall block the domain name www.nicelocal.in and maintain *status quo*. No transfer of the said domain shall be permitted till further orders of this Court.
- v. The hosting company of the website www.nicelocal.in upon receiving communication from the Plaintiff's counsel shall retain all the data relating to www.nicelocal.in on its servers. It shall also block any access to said data by either the Defendant Nos. 1 and 2 or by any third party. The details of the said web hosting company shall also be placed by the Plaintiff on record by means of an affidavit within one week.
- vi. The Defendants shall file an affidavit on record disclosing the total amount of payment which has been received by them through the platform www.nicelocal.in.
- vii. The SHO of Police Station- Noida Sector-20, Commissionerate Gautam Budh Nagar shall submit a status report as to the status of the investigation conducted in ***FIR No. 11/2022*** dated 4th January, 2022.
- viii. The present order shall be communicated to the Police Station, Sector-20, Gautam Budh Nagar through the ***Id. Standing Counsel (Criminal), Mr. Sanjay Lao [Mobile No. 9818166809]***.

29. Mr. Kirtiman Singh, Id. Counsel accepts notice on behalf of Defendant nos. 3 and 4. The present order shall be communicated to the MeitY and DoT for immediate compliance by the Id. standing counsel.

30. *Dasti* service to Defendant No.2.

31. Compliance of Order XXXIX Rule 3 CPC be made within one week.

32. Reply to the present application be filed within four weeks from the service of the present order along with the paper book.

33. List before the Court on 25th August, 2022.

34. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH, J.

APRIL 20, 2022/aman/SK