

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-38/2023-DS-II

Dated: 13.09.2023

To,

All Internet Service Licensee's

Subject: Cs(Comm) 593 Of 2023 Kaira District Cooperative Milk Producers Union Ltd & Anr. Vs. Hub.Nrw-Euindia Invest Gmbh And Ors Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated **28.08.2023** on the subject matter.

2. Please refer to the **para 16(ii)** of the said court order in respect of blocking of **13 websites** enumerated in the **para 16(i)**.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.


Director (DS-II)

Tel: 011-2303 6860

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) 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) Vishal (vishal.nagpal@majumdarip.com), counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 593/2023 & I.A. 16224/2023, I.A. 16225/2023,
I.A. 16226/2023, I.A. 16227/2023

**KAIRA DISTRICT COOPERATIVE MILK PRODUCERS
UNION LTD & ANR. Plaintiffs**

Through: Mr. Jayant Mehta, Sr. Adv.
with Ms. S. Majumdar, Mr. Afzal B Khan,
Mr. Vishal Nagpal, Mr. Dominic Alvars,
Mr. Dipro Dawn, Ms. Anu Srivastav and
Mr. Debjyoti Sarkar, Advs.

versus

HUB.NRW-EUINDIA INVEST GMBH & ORS. Defendants

Through: Mr. Aditya Gupta and Mr.
Sauhard Alung, Advs. for D-12

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR**




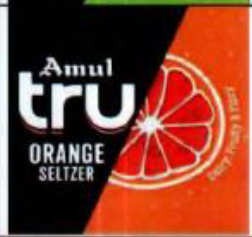



% **ORDER**
28.08.2023

CS(COMM) 593/2023

1. The plaintiffs, otherwise known for its dairy and milk products, have entered the fruit juice and fruit beverage market through a variety of products sold under the generalised trademark "AMUL TRU".

2. The following "AMUL TRU" marks stand registered in the plaintiffs' favour:

Tm No.	Appl Dt.	User date	Trade mark	Status
4122118	19/03/2019	02/03/2019		Registered

4122119	19/03/2019	02/03/2019		Registered
4129850	27/03/2019	13/03/2019		Registered
4129851	27/03/2019	13/03/2019		Registered
4732717	05/11/2020	18/10/2020		Pending
4732718	05/11/2020	18/10/2020		Pending
4785773	18/12/2020	19/11/2020		Registered
4834140	25/01/2021	23/12/2020		Registered
4834148	25/01/2021	23/12/2020		Registered

Signature Not Verified

Digitally Signed
 By: HARIOM
 Signing Date: 29.08.2023
 18:10:31

CS(COMM) 593/2023

3. The plaintiffs also claim copyright protection in the following marks:



4. Mr. Jayant Mehta also points out that AMUL is listed with the Registrar of Trade Marks as a well-known trademark within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999.

Signature Not Verified

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By: HARIOM
Signing Date: 29.08.2023
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CS(COMM) 593/2023

5. In order to promote its “AMUL TRU” products, the plaintiffs have also been operating the website www.amulseltzer.com. The plaintiffs are aggrieved by the fact that Defendant 1, in conjunction with Defendants 2 to 6, is now operating 13 websites which, in various methods, outlined in paras 44 to 81, infringe the plaintiffs’ registered trademarks. For the sake of brevity, the contents of the said paragraphs are not repeated here. Suffice it to state that, however, the assertions in the said paragraphs make out a case of *prima facie* infringement, by the defendants, of the plaintiffs’ registered trademarks.

6. The plaintiffs have, in these circumstances, approached this Court by means of the present suit, seeking injunctive prayers against the defendants.

7. As such, let the plaint be registered as a suit.

8. Issue summons in the suit.

9. Written statement, accompanied by affidavit of admission/denial of the documents filed by the plaintiffs be filed within 30 days with advance copy to learned Counsel for the plaintiffs who may file replication thereto, accompanied by affidavit of admission/denial of the documents filed by the defendants within 30 days thereof.

10. List before the learned Joint Registrar (Judicial) for completion of pleadings, admission and denial of the documents and marking of exhibits on 31 October 2023, whereafter the matter would be placed before the Court for case management hearing and further

proceedings.

I.A. 16224/2023 (under Order XXXIX Rules 1 and 2 of the CPC)

11. This is an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC). By this application, the plaintiffs seek interlocutory injunctive reliefs.

12. For the present, Mr. Jayant Mehta restricts his prayer for interlocutory relief to a direction to all concerned authorities to block access, in India, to the www.hub.nrw, www.hubnrw.in, www.xpress.guru, www.euindia.market, www.amul.promo, www.amul.euindia.eu, www.truseltzer.com, www.amul.eu, www.amulseltzer.eu, www.truseltzer.eu, www.tastexpress.eu, www.amul.online and www.tastexpress.in websites.

13. Inasmuch as the aforesaid websites are engaged in infringing activities, which jeopardise the intellectual property rights of the plaintiffs, the prayer for interim injunction is justified.

14. Issue notice, returnable on 17 October 2023.

15. Reply, if any, be filed within four weeks with advance copy to learned Counsel for the plaintiffs who may file rejoinder thereto within two weeks thereof.

16. Till the next date of hearing, the following interim directions are issued:

(i) Defendants 7 to 11 are directed to block access, in India, to the domain names/websites www.amul.eu,

www.amulseltzer.eu, www.truseltzer.eu, www.truseltzer.com,
www.tastexpress.eu, www.xpress.guru, www.amul.promo,
www.amul.online, www.hub.nrw and and as well as any
alphanumeric variation thereof.

(ii) Defendant 11 (the Department of Telecommunications) is also directed to issue instructions for blocking of the aforesaid domain names.

(iii) Defendant 12 is directed, forthwith, to de-index, from the country domain, the www.amul.eu, www.amulseltzer.eu,
www.truseltzer.eu, www.truseltzer.com, www.amul.euindia.eu,
www.amul.online, www.hub.nrw, www.tastexpress.eu,
www.xpress.guru, www.amul.promo, www.hubnrw.in,
www.euindia.market and www.tastexpress.in domain names.

(iv) Further, Defendants 1 to 6, as well as all others acting on their behalf, shall stand restrained from exporting, from India, the plaintiffs' AMUL TRU seltzer products, which are not intended for export to the EU, till the next date of hearing.

I.A. 16225/2023 (under Section 12A of the Commercial Courts Act, 2015)

17. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*¹, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

18. The application stands allowed accordingly.

I.A. 16226/2023 (under Order XI Rule 1(4) of the CPC)

19. By this application, the plaintiffs seek permission to file additional documents.

20. The plaintiffs are permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within 30 days from today.

21. The application stands disposed of accordingly.

I.A. 16227/2023 (under Section 151 of the CPC)

22. Subject to the plaintiffs filing legible copies of any dim or illegible documents or certified copies of the documents on which it may seek to place reliance within four weeks from today, exemption is granted for the present.

23. The application is disposed of.

24. *Dasti.*

C.HARI SHANKAR, J

AUGUST 28, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Original Commercial Jurisdiction)
CS(COMM)_____/2023

In the matter of:

**KAIRA DISTRICT COOPERATIVE
MILK PRODUCERS UNION LTD.& ANR. ...PLAINTIFFS**

Versus

**HUB.NRW-EUINDIA INVEST
GMBH & ORS ...DEFENDANTS**

MEMO OF PARTIES

1. **Kaira District Cooperative Milk Producers Union Ltd.,**
A society registered under
The Bombay Co-operative Societies Act, 1925,
Having its registered office at
Amul Dairy Road, Anand 388 001, Gujarat
Email: vikas.adlakha@amul.coop
Ph: (+91) 2692 256124 **...PLAINTIFF NO.1**

2. **Gujarat Co-operative Milk Marketing Federation Ltd.,**
A cooperative society registered under the
Gujarat Co-operative Societies Act, 1961
Having its registered office at
PO Box 10, Amul Dairy Road,
Anand 388 001, Gujarat

Also at:

Zonal office - Plot No.24/1, D Block Institutional Area,
Janakpuri, New Delhi – 110058
Email: vikas.adlakha@amul.coop
Ph: (+91) 2692 258506 **...PLAINTIFF NO.2**

– Versus –

1. **HUB.NRW – EUINDIA INVEST GMBH**
With its office at
Mühlenstraße 206,
Mülheim an der Ruhr, Nordrhein-Westfalen,
Germany – 45475
Contact: +49(0)1525 5941 796
mail@hub.nrw ; **...DEFENDANT NO.1**
2. **GIC CONSULTING GMBH**
With its office at

Mühlenstraße 206,
Mülheim an der Ruhr, Nordrhein-Westfalen,
Germany – 45475
Contact: +49 (0)208 760240
gicgmbh@online.de

...DEFENDANT NO.2

3. XPRESS.GURU GMBH

With its office at
Mühlenstraße 206,
Mülheim an der Ruhr, Nordrhein-Westfalen,
Germany – 45475
Contact: +49(0)1514 2074424
xpress.guru@xpress.guru ;

...DEFENDANT NO.3

4. DR. ANIL DESAI

As the Director/CEO of
HUB.NRW –EUINDIA INVEST GMBH
Mühlenstraße 206,
Mülheim an der Ruhr, Nordrhein-Westfalen,
Germany – 45475
Contact:+49 173 9838072
mail@hub.nrw
anil.desai@hub.nrw

...DEFENDANT NO.4

5. TASTEXPRESS GMBH

With its office at
Mühlenstraße 206,
Mülheim an der Ruhr, Nordrhein-Westfalen,
Germany – 45475
Contact: +49(0)1514 2074424
info@tastexpress.eu ;

...DEFENDANT NO.5

6. HUB.NRW -EUINDIA BRANDS PVT. LTD.

With its Registered Office at
Gala No. 108, F-1,
Jai Jalaram Complex,
Pimpas Thane, Maharashtra 421302
sonu.dhakan@hubnrw.in; pratik.desai@hubnrw.in
investmenthub@rediffmail.com

...DEFENDANT NO.6


7. IONOS INC

701 Lee Road, Suite 300
Chesterbrook, United States of America
PA 19087
support@ionos.com

... DEFENDANT NO.7

8. **IONOS SE**
 Elgendorfer Straße 57
 56410 Montabaur
 Germany
info@ionos.de ...DEFENDANT NO.8
9. **UNITED DOMAINS AG**
 Gautinger Strasse 10
 82319 Starnberg
 Germany
support@uniteddomains.com ...DEFENDANT NO.9
10. **PRIVACY PROTECT, LLC**
 Street: 5335 Gate Pkwy
 City: Jacksonville
 State/Province: FL
 Postal Code: 32256
 United States of America
abuse@privacyprotect.org ...DEFENDANT NO.10
11. **DEPARTMENT OF TELECOMMUNICATIONS,**
 On behalf of Ministry of Communications,
 Sanchar Bhawan, 20 Ashoka Road
 New Delhi- 110001
abhinesh.meena@gov.in ...DEFENDANT NO.11
12. **GOOGLE LLC,**
 1600 Amphitheatre Pkwy,
 Mountain View, CA 94043,
 United States of America United States
support-in@google.com ...DEFENDANT NO.12

New Delhi
Dated: August 22nd, 2023


Advocates for Plaintiffs
S. Majumdar & Co.
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Note: Defendant No.1 is the main contesting Defendant.