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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 699/2022**
STAR INDIA PRIVATE LTD AND ANR

..... Plaintiffs

Through: Mr.Sidharth Chopra, Mr.Yatinder
Garg, Ms.Snehima Jauhari &
Ms.Ambika Dilwali, Advs.

versus

T1.MYLIVECRICKET.CLUB AND ORS

..... Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.10.2022**

I.A. 16479/2022 (Exemption)

1. Allowed, subject to all just exceptions.

I.A. 16481/2022

2. This is an application filed on behalf of the Plaintiffs seeking leave to file additional documents, which are not in the power, possession, control or custody of the Plaintiffs at the moment.

3. The Plaintiffs may file the additional documents strictly in accordance with the provisions of the law.

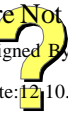
4. The application stands disposed of.

I.A. 16480/2022

5. By way of this application under Section 80 read with Section 151 of the Code of Civil Procedure, 1908 (in short, 'CPC'), the Plaintiffs seek exemption from serving notice on the Defendant Nos. 14, 17, 22 and 23.

Signature Not Verified

Digitally Signed By:SHALOO
BĀTRĀ
Signing Date:12.10.2022
16:53:21



6. Having perused the contents of the application, the same is allowed.

CS(COMM) 699/2022

7. Let the plaint be registered as a suit.

8. Issue summons to the defendants, to be served through all permitted modes, including electronically, returnable on 15th December, 2022 before the learned Joint Registrar (Judicial).

9. The summons to the defendants shall indicate that the written statement(s) to the Plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file the affidavit(s) of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

10. Liberty is given to the plaintiffs to file the replication(s) within a period of 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiffs, the affidavit(s) of admission/denial of documents of the defendant(s) be filed by the plaintiffs, without which the replication(s) 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.

I.A. 16478/2022

11. Issue Notice.

12. On the plaintiffs taking steps, let notice be served on the defendants, through all permissible modes, including electronically, returnable on 15th December, 2022 before the learned Joint Registrar (Judicial).

13. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder(s) thereto, if any, be

filed within a period of two weeks thereafter.

14. It is the case of the Plaintiff no. 1 that it is a leading broadcaster in India and is the exclusive licensee of media rights to various sporting events. It is further asserted that it owns 65 TV Channels in eight languages, including general entertainment and sporting channels. It also has rights in respect of broadcast of various sporting events, including domestic and international cricket matches, that are organized *inter-alia* by the Board of Control for Cricket in India (in short, 'BCCI') and the International Cricket Council (in short, 'ICC').

15. The Plaintiff no. 2, owns and operates the online audio-visual streaming platform and website, www.hotstar.com and the mobile application, '**Disney+ Hotstar**', where all the events for which the rights are enjoyed by the Plaintiff No. 1 are also streamed by the Plaintiff No. 2. The Plaintiff No. 2 is the affiliate company of the Plaintiff No. 1.

16. It is asserted that the Plaintiffs owns the exclusive license of the media rights of the ICC Men's T20 World Cup 2022 cricket tournament which is to commence from 16.10.2022 and shall conclude on 13.11.2022.

17. The present suit has been filed by the Plaintiffs, against the following Defendants:

- a) The Defendant Nos. 1 to 8 are claimed to be '*rogue websites*';
- b) The Defendant Nos. 9 to 12 are the Domain Name Registrars of the domain names used by the '*rogue websites*';
- c) The Defendant Nos. 13 to 21 are the Internet Service Providers (hereinafter referred to as '*ISPs*');
- d) The Defendant Nos. 22 and 23 are the Department of

Telecommunications (hereinafter referred to as 'DoT') and the Ministry of Electronics and Information Technology (hereinafter referred to as 'MEITY');

e) The Defendant No. 24 has been impleaded as '*John Doe*' in the name of '*Ashok Kumar*'.

18. The Plaintiffs asserts that they have a severe apprehension that owing to the past conduct of these '*rogue websites*', the said websites are likely to illegally stream and telecast the ICC Men's T20 World Cup 2022 scheduled from 16.10.2022 onwards. The Plaintiffs' reasonable and legitimate apprehension emanates from the fact that the Defendant Websites are already indulging in hosting and/or streaming or providing access and making available the infringing and illegal content, *inter alia*, the live broadcast of the Australia tour of India in the year 2022 and South Africa tour of India in the year 2022, in the broadcast of which the Plaintiffs have an exclusive right.

19. Having considered the contents of the plaint and documents filed therewith, and having heard the learned counsel for the Plaintiffs, the Court is of the opinion that the Plaintiffs have been able to make out a *prima facie* case for grant of an *ex-parte ad-interim* injunction, which is also a dynamic injunction. The balance of convenience lies in favour of the Plaintiffs and against the Defendants. Irreparable injury would be caused to the Plaintiffs if the interim injunction is not granted. Disclosure orders are also liable to be passed against the Domain Name Registrars, and further, the MEITY and DoT ought to also issue blocking orders to all the ISPs, to block the said '*rogue websites*'. Considering the investment which the Plaintiffs have made in acquiring the rights of these events, any illegal broadcasting would

severely affect the monetary interest of the Plaintiffs, and also diminish the value of the rights of such sporting events.

20. Accordingly, till further orders, the Defendant Nos. 1 to 8 and all others acting for or on their behalf, shall be restrained from hosting, streaming, broadcasting, rebroadcasting, retransmitting or in any other manner communicating to the public, or disseminating to the public, any cricketing events, extracts, excerpts, highlights in relation to cricket matches relating to the ICC Men's T20 World Cup 2022 commencing from 16.10.2022 to 13.11.2022.

21. The Domain Name Registrars shall also immediately block the said domain names and maintain status quo thereof. The said Domain Name Registrars shall also disclose to the Plaintiffs the following:

a) Complete details (such as Name, Address, Email Address, Phone Number, IP Address etc.) of the Defendant Nos. 1 to 8 and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.

b) Mode of Payment along with payment details used for registration of domain name by the Registrant i.e., the Defendant Nos. 1 to 8 and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.

c) Details of other websites registered by the Defendant Nos. 1 to 8 and such other websites which are discovered during the course of the

proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights using similar details, same credit card, payment gateway etc. (disclosed as per Clause (b) above) with the Defendant Nos. 9 to 12.

d) Details of Complaints received by the Defendant Nos. 9 to 12 in the past against the Defendant Nos. 1 to 8 and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.

22. The DoT and MEITY, as also the ISPs, shall block the Defendant Nos. 1 to 8 websites. The said blocking orders shall be issued by the DoT within 24 hours after service of this order. Pursuant to the said blocking order(s), all the ISPs, that is, the Defendant Nos. 13 – 21, shall block access to the URLs, as also the mobile applications within 24 hours and shall not permit the download of these applications or the streaming of the rogue websites.

23. If the Plaintiffs discover other mirror websites or rogue websites which are broadcasting and/or telecasting the ICC Men's T20 World Cup unauthorisedly, they may:

a) File an affidavit in this regard before the Court along with evidence thereof. The said websites shall stand blocked with immediate effect, upon notice being issued by the Plaintiffs to the DoT and ISPs that such an affidavit has already been filed before this Court.

b) Upon the DoT receiving the notices and communications from the Plaintiffs that the affidavits have been filed before the Court, the orders for blocking such further rogue websites shall be passed, immediately and in any case, within 24 hours, so that the websites do not continue to stream infringing content in any manner whatsoever.

24. Compliance of Order XXXIX Rule 3 of the CPC be made within a period of two days.

25. *Dasti.*

**NAVIN
CHAWLA, J**

OCTOBER 11, 2022/rv/DJ/AB