

Disney Enterprises, Inc. & Ors vs Rlsbb.Unblocked.Ltda & Ors on 12 March, 2020

Author: V. Kameswar Rao

Bench: V. Kameswar Rao

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 594/2019, I.A. 14909/2019

DISNEY ENTERPRISES, INC. & ORS.

..... Pla

Through: Ms.Sneha Jain, Ms.Disha Sharm

Ms.Snehima Jauhari, Advs.

versus

RLSBB.UNBLOCKED.LTDA & ORS.

..... Defendants

Through: Mr.Abhay Prakash Sahay, CGSC

with Ms.Mannu Singh, Mr.Sagar a

Ms.Indira Goswami, Advs. for R-

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 12.03.2020

1. The plaintiffs have filed the present suit with the following prayers:

"In light of the foregoing, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Issue an order and decree of permanent injunction restraining the Defendant Nos. 1-32 (and such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Websites, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights), its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which Plaintiffs have copyright, ii. Issue an order and decree directing the Defendant Nos.33-41, 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 it, to block access to the Defendant Nos. 1-32 websites identified by the Plaintiffs in the instant suit (and

such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Website, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights).

iii. Issue an order directing the Defendant Nos. 42 and 43, to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the Defendant Nos. 1-32 websites identified by the Plaintiffs in the instant suit (and such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Websites, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights);

iv Issue an order directing the Domain Name Registrars of the Defendant Websites identified by the Plaintiffs in the Plaint to disclose the contact details and other details about the owner of the said websites, and other such relief as this Hon'ble Court may deem fit and proper;

v. Pass any other Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the Plaintiff.

It is prayed accordingly."

2. Plaintiffs are amongst the leading Global Entertainment Companies engaged in the business of creation, production and distribution of motion pictures / cinematograph films. The claim of the plaintiffs are premised on the allegation of illegal and unauthorised distribution, broadcasting, rebroadcasting, transmission and streaming of the plaintiffs' content by defendant Nos. 1 to 32 and 45 to 135 (hereinafter referred to as "rogue websites").

3. It is the case of the plaintiffs that as a result of the unauthorised transmission of their content, the defendant websites infringe their copyright in the original works produced by them to be protected under the provisions of the Copyright Act, 1957. The plaintiffs have impleaded various ISPs as defendant Nos. 33 to 41 and concerned Department of Government of India as defendant Nos.42 and 43.

4. The plaintiffs alleged that the defendant Nos. 1 to 32 and 45 to 135 are the rogue websites. It is also the case of the plaintiffs that the plaintiffs conducted investigation through an independent investigator, which investigation revealed the infringing activity of the defendant websites. Inasmuch as the websites have infringed the plaintiffs' original content or facilitating the use of the defendant websites, inter alia by downloading and streaming the plaintiffs' original content.

5. It is also the case of the plaintiffs that a legal notice was served on the defendant websites calling upon them to cease from engaging in their infringing activities. It is also the case of the plaintiffs despite legal notice defendant websites continue to infringe the rights of the plaintiffs original

content.

6. On October 24, 2019, this Court had passed the following interim order:

"CS(COMM) 594/2019

1. Let the plaint be registered as a suit.
2. Issue summons to all the Defendants through email returnable on January 13, 2020.
3. The summons to the Defendants shall indicate that a written statement to the plaint shall be filed positively 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 Plaintiffs, without which the written statement shall not be taken on record.
4. Liberty is given to the Plaintiffs to file a replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, 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.
5. List before the Joint Registrar for marking of exhibits on January 13, 2020. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
6. List before Court on March 12, 2020.

IA. 14909/2019 (U/O 39 Rule 1 & 2 CPC)

7. Issue notice to the Defendants through email, returnable on March 12, 2020.
8. The present suit has been filed for permanent injunction, rendition of accounts and damages etc. Plaintiffs are amongst the leading Global Entertainment Companies engaged in the business of creation, production and distribution of motion pictures / cinematograph films.
9. Defendants Nos. 1-32 which include rlsbb.unblocked.ltda, with the additional domain rlsbb.unblocked.nz (hereinafter Defendant No. 1), ddlvalley.me (hereinafter Defendant No. 2), rutor.info, with the additional domain rutor.is (hereinafter Defendant No. 3), babytorrents.net with the additional domain babytorrent.st (hereinafter Defendant No. 4), vikv.net (hereinafter Defendant No. 5),

vextorrents.com (hereinafter Defendant No. 6), gdrivedl.xyz (hereinafter Defendant No. 7), scnsr.me with the additional domain scenesource.me (hereinafter Defendant No. 8), x265movies.co (hereinafter Defendant No. 9), hdmoviesapk.in (hereinafter Defendant No. 10), filmypoint.site with the additional domain filmypoint.cc (hereinafter Defendant No. 11), 123tvstream.com (hereinafter Defendant No. 12), gomovies.cool (hereinafter Defendant No. 13), moviesghar.best (hereinafter Defendant No. 14), khaanflix.com with additional domain dutafilm.pw (hereinafter Defendant No. 15), 1movies.is (hereinafter Defendant No. 16), ssrmovies.ind.in with the additional domain ssrmovies.biz (hereinafter Defendant No.

17), hindiview.com (hereinafter Defendant No. 18), yesmovies.fm (hereinafter Defendant No. 19), hddhub4u.casa with the additional domain hddhub4u.press (hereinafter Defendant No. 20), sdmoviespoint.me (hereinafter Defendant No. 21), prox4you.pro with the additional domain prox4you.info (hereinafter Defendant No. 22), mrunlock.space (hereinafter Defendant No. 23), nocensor.casa with the additional domains nocensor.fun, nocensor.icu (hereinafter Defendant No. 24), unblockproject.icu with the additional domains unblockproject.info, unblockproject.xyz, unblockproject.live (hereinafter Defendant No. 25), 123unblock.fun with the additional domains 123unblock.info, 123unblock.icu (hereinafter Defendant No. 26), unblocked.to with the additional domains unblocked.ltda, unblocked.dk, unblocked.ms, unblocked.cam, unblocked.krd, unblocked.srl, unblocked.bid, unblocked.pl, unblocked.pet, unblocked.vip, unblocked.tv, unblocked.llc, unblocked.app, unblocked.uno, unblocked.list, unblocked.ink, unblocked.one, unblocked.nz, fmovies.unblocked.krd, fmovies.unblocked.pet (hereinafter Defendant No. 27) unlockproject.live (hereinafter Defendant No. 28), unblockninja.info (hereinafter Defendant No. 29), proxybit.pro (hereinafter Defendant No. 30), proxyportal.ws (hereinafter Defendant No. 31); hollymovies4u.com (hereinafter Defendant No. 32); (hereinafter referred to as "Defendant Websites" collectively). The Defendants have been joined together as Defendants, as each of the websites is clearly related, as can be seen from one or more of the following: the identity of the sites' contents, the identity / similarity in the look and feel of the websites' display; similarity in their domain names; the same operator contact details; and/or the fact that content from one site is available on the other sites. Defendant Websites are online locations which enables users of the Defendant Websites' services to: (a) view (by a process known as "streaming / downloading") cinematograph films, being motion pictures, television programs or other audio-visual content, on devices connected to the Internet; (b) cause copies memory of their devices for watching later or enabling others to watch or further copy those cinematograph films; and/or (c) identify other online locations including (by a process known as "linking") which enables those users to engage in the activities set out in (a) or (b).

10. It is stated in the plaint that Defendant Websites are primarily and substantially engaged in communicating to the public, hosting, streaming and/or making available

to the public Plaintiffs' original content without authorization, and/or facilitating the same. Defendant Nos. 1 to 32 are making available, illegally and unauthorizedly, content of various parties like Disney Enterprises, Inc., Paramount Pictures Corporation, Columbia Pictures Industries, Inc., Universal City Studios LLC., and Netflix Entertainment Services India LLP, etc. (hereinafter referred to as 'studios').

11. It is further submitted that Plaintiffs' films are works of visual recording and include sound recordings accompanying such visual recordings, which qualify as a "cinematograph film" under Section 2(f) of the Copyright Act, 1957 (hereinafter 'the Act'). Further, by virtue of Section 13(1) read with Section 13(2), Section 5 and Section 40 of the Act, the Plaintiffs' cinematograph films whether released or not released in India would be entitled to all rights and protections granted under the Act for cinematograph films. The cinematograph films produced by the Plaintiffs are "works" as defined under Section 2(y) of the Act, Plaintiffs have all the rights in such cinematograph films granted under Section 14(d) of the Act, and Plaintiffs are the author and/or first owner and/or owners (under Section 17 of the Act) of the following illustrative list of cinematograph films that are entitled to protection under the Act:

Studio	Film/ Series	Year
DEI	Finding Dory	2016
DEI	The Jungle Book	2016
Warner	Suicide Squad	2016
Warner	The Conjuring 2	2016
Warner	Wonder Woman	2017
Warner	A Star Is Born	2018
Warner	Aquaman	2018
Warner	Arrow - Season 8	2019
Warner	Joker	2019
Netflix	Stranger Things - Season 3	2019
Netflix	Triple Frontier	2019
Netflix	Sacred Games - Season 2	2019
Netflix	Sacred Games - Season 1	2018
Netflix	Ibiza	2018
Netflix	Stranger Things - Season 2	2017
Netflix	Stranger Things - Season 1	2016
Columbia	Miracles from Heaven	2016
Columbia	This is the End	2013

Paramount	Transformers: Extinction	Age	of	2014
Paramount	Transformers: The Last Knight			2017
Paramount	xXx: Return of Xander Cage			2017
Universal	The Purge: Election Year			2016

Universal	Straight Outta Compton	2015
Universal	The Secret Life of Pets	2016
Universal	The Secret Life of Pets 2	2019

12. In order to protect and enforce their exclusive rights, the Plaintiffs investigated and monitored the Defendant Websites and gathered evidence of their infringing activity. During the period of investigation the Defendant Websites infringed the Plaintiffs' Original Content or facilitated the same, using or facilitating the use of the Defendant Websites, inter alia, by downloading and streaming the Plaintiffs' Original Content. The illustrative list of illegal content made available by Defendant Nos. 1 to 32, that are entitled to protection under the Act are mentioned hereinbelow:

Studio	Film/ Series	Year
DEI	Finding Dory	2016
DEI	The Jungle Book	2016
Warner	Suicide Squad	2016
Warner	The Conjuring 2	2016
Warner	Wonder Woman	2017
Warner	A Star Is Born	2018
Warner	Aquaman	2018
Warner	Arrow - Season 8	2019
Warner	Joker	2019
Netflix	Stranger Things - Season 3	2019
Netflix	Triple Frontier	2019

Netflix	Sacred Games - Season 2	2019
Netflix	Sacred Games - Season 1	2018
Netflix	Ibiza	2018
Netflix	Stranger Things - Season 2	2017
Netflix	Stranger Things - Season 1	2016
Columbia	Miracles from Heaven	2016
Columbia	This is the End	2013
Paramount	Transformers: Age of Extinction	2014
Paramount	Transformers: The Last Knight	2017
Paramount	xXx: Return of Xander Cage	2017
Universal	The Purge: Election Year	2016
Universal	Straight Outta Compton	2015
Universal	The Secret Life of Pets	2016
Universal	The Secret Life of Pets 2	2019

13. Learned counsel for the Plaintiffs submits that legal notice was served upon the Defendant Websites calling upon them to cease from engaging in their infringing activities. Despite such legal notices, the Defendant Websites continue to infringe the rights in Plaintiffs' Original Content. The Defendant Websites are therefore willfully infringing Copyright material and ignoring or failing to respond to notice to cease all infringement. She further submits that, access of the Defendant Websites has been disabled in other jurisdictions such as rlsbb.com and rrlsbb.ru additional domains under Defendant No.1 have been blocked in Italy, Australia and Denmark; ddlvalley.me (Defendant No. 2) has been blocked in Australia and Italy; rutor.info (Defendant No.3) has been blocked in Denmark; scenesource.me and scnsrc.me (Defendant No.8) has been blocked in Australia & Belgium; yesmovies.org & yesmovies.io additional domains under Defendant No. 19 have been blocked in Australia; unblocked.dk (Defendant No.27) has been blocked in Australia.

14. Learned Counsel for the Plaintiffs submits that Defendant Websites provides illegal content directly for free without any requirement of registration by users, and such availability of content is supported by the advertisements featured on the website.

The primary purpose of the Defendant Websites is to commit or facilitate copyright infringement. Thus, Defendant Nos. 1 to 32 is liable for infringement under Section 51(a)(ii), Section 51(b), and Section 51(a)(i) for making a copy of the Original Content including the storing of it in any medium by electronic or other means and communicating the Original Content to the public. Further the hosting, streaming, reproducing, distributing, making available to the public, and/or communicating to the public of the Original Content, or facilitating the same, without authorization of the Plaintiffs amounts to violation of the Plaintiffs' copyright work, protected under the Act. In support of his contentions reliance has also been placed on the decision of this court in CS(COMM) 724/2017 dated 10th April, 2019, UTV Software Communication Ltd. vs. 1337X.TO and Ors.

15. Plaintiffs have arrayed various internet and telecom services providers (ISPs) as Defendant Nos. 33-41 (hereinafter "the said ISPs") in the present suit to ensure the effective implementation of any relief that this Hon'ble Court may grant in favour of the Plaintiffs. The limited relief being claimed against the said ISPs is to ensure the effective implementation of any order that this Hon'ble Court may be pleased to grant in favour of the Plaintiffs by disabling access of the Defendant Websites in India.

16. Plaintiffs have also arrayed Defendant No. 42, the Department of Telecommunications (DoT), and Defendant No. 43, the Ministry of Electronics and Information Technology (MEITY), for a similar reason. The limited relief being claimed against the DoT and the MEITY is the issuance of a notification to the internet and telecom service providers registered with it to disable access into India of the Defendant Websites.

17. In view of the averments noted hereinabove and in view of the judgment passed in UTV Software Communication Ltd. (supra), this Court is of the opinion that a prima facie case is made out in

favour of the Plaintiffs and balance of convenience is also in its favour. Further, irreparable harm or injury would be caused to the Plaintiffs if an interim injunction order is not passed.

18. Consequently, Defendant Nos. 1-32 (and such other domains/domain owners/website operators/entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs' exclusive rights), their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from, hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, in any manner, on their websites, through the internet any cinematograph work/content/programme/show in relation to which Plaintiffs have copyright;

19. Further, as held by this court in UTV Software Communication Ltd. (supra), in order for this court to be freed from constant monitoring and adjudicating the issues of mirror/redirect/alphanumeric websites it is directed that as and when the Plaintiffs file an application under Order I Rule 10 for impleadment of such websites, Plaintiffs shall file an affidavit confirming that the newly impleaded website is mirror/redirect/alphanumeric website with sufficient supporting evidence. Such application shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India to such mirror/redirect/alphanumeric websites.

20. Defendant Nos. 33-41, shall ensure compliance of this order by blocking, the websites, their URL's and the respective IP address as under:

List of Websites Defendant S.N Domains URLs IP Addresses Plaintiff

No.

1. 1. rlsbb.unblocked.ltd https://rlsbb.unblo 104.25.10.10 104.25.11.10 a ckd.ltda

2. rlsbb.unblocked.nz http://rlsbb.unblo 104.27.186.115 104.27.187.115 ckd.nz

2. 3. ddlvalley.me http://ddlvalley.m 104.24.98.152 104.24.99.152 e

3. 4. rutor.info http://rut 91.132.60.13 or.info/

5. rutor.is http://rutor.is/ 91.132.60.14

4. 6. babytorrents.net https://babytorren 104.27.176.213 104.27.177.213 ts.net/

7. babytorrent.st http://babytorrent. 104.28.0.34 104.28.1.34 st

5. 8. vikv.net https://vikv.net 104.27.172.173 104.27.173.173

6. 9. vextorrents.com [https://vextorrents 104.28.12.97 104.28.13.97 .com/](https://vextorrents104.28.12.97104.28.13.97.com/)
7. 10. gdrivedl.xyz [https://gdrivedl.xy 104.18.58.143 104.18.59.143 z/](https://gdrivedl.xy104.18.58.143104.18.59.143z/)
8. 11. sensrc.me [http://sensrc.me 104.31.16.3 104.31.17.3 12, scenesource.me http://scenesource 104.31.16.3 104.31.17.3 .me](http://sensrc.me104.31.16.3104.31.17.312,scenesource.mehttp://scenesource104.31.16.3104.31.17.3.me)
9. 13. x265movies.co [https://x265movie 212.83.151.223 s.co/](https://x265movie212.83.151.223s.co/)
10. 14. hdmoviesapk.in [https://hdmoviesa 104.24.100.195 104.24.101.195 pk.in/](https://hdmoviesa104.24.100.195104.24.101.195pk.in/)
11. 15. filmpoint.site [https://filmpoint. 104.27.174.166 104.27.175.166 site/](https://filmpoint.104.27.174.166104.27.175.166site/)
16. filmpoint.cc [https://filmpoint. 104.24.118.32 104.24.119.32 cc/](https://filmpoint.104.24.118.32104.24.119.32cc/)
12. 17. 123tvstream.com [http://123tvstream 104.31.90.195 104.31.91.195 .com](http://123tvstream104.31.90.195104.31.91.195.com)
13. 18. gomovies.cool [https://www7.gom 104.27.178.40 104.27.179.40 ovies.cool](https://www7.gom104.27.178.40104.27.179.40ovies.cool)
14. 19. moviesghar.best [https://www.movi 104.26.8.16 104.26.9.16 esghar.best](https://www.movi104.26.8.16104.26.9.16esghar.best)
15. 20. khaanflix.com [https://khaanflix.c 104.28.28.160 104.27.129.242 om](https://khaanflix.c104.28.28.160104.27.129.242om)
21. dutafilm.pw [https://dutafilm.p 104.27.136.1119 w](https://dutafilm.p104.27.136.1119w)
16. 22. 1movies.is [https://www4.1mo 104.31.64.238 104.31.65.238 vies.is](https://www4.1mo104.31.64.238104.31.65.238vies.is)
17. 23. ssrmovies.ind.in [https://www.ssr 104.24.110.191 104.24.111.191 ovies.ind.in](https://www.ssr104.24.110.191104.24.111.191ovies.ind.in)
24. ssrmovies.biz 104.28.14.252 104.28.15.252 [http://ssrmovies.bi z](http://ssrmovies.bi104.28.14.252104.28.15.252z/)
18. 25. hindiview.com [http://hindiview.c 104.27.176.123 104.27.177.123 om](http://hindiview.c104.27.176.123104.27.177.123om)
19. 26. yesmovies.fm [https://www6.yes 172.64.130.14 172.64.131.14 movies.fm](https://www6.yes172.64.130.14172.64.131.14movies.fm)
20. 27. hdhub4u.casa [https://hdhub4u.c 104.24.122.211 104.24.123.211 asa](https://hdhub4u.c104.24.122.211104.24.123.211asa)
28. hdhub4u.press [http://hdhub4u.pr 104.27.160.206 104.27.161.206 ess](http://hdhub4u.pr104.27.160.206104.27.161.206ess)
21. 29. sdmoviespoint.me [https://sdmoviesp 104.18.36.210 104.18.37.210 oint.me](https://sdmoviesp104.18.36.210104.18.37.210oint.me)
22. 30. prox4you.pro [https://prox4you.p 104.18.58.212 104.18.59.212 ro](https://prox4you.p104.18.58.212104.18.59.212ro)
31. prox4you.info [http://prox4you.in 104.27.182.91 104.27.183.91 fo](http://prox4you.in104.27.182.91104.27.183.91fo)

23. 32. mrunlock.space <https://mrunlock.s> 104.28.30.129 104.28.31.129 pace/
24. 33. nocensor.casa <https://nocensor.c> 104.24.102.195 104.24.103.195 asa
34. nocensor.fun <http://nocensor.fu> 104.24.106.180 104.24.107.180 n/
35. nocensor.icu <http://nocensor.ic> 104.28.26.152 104.28.27.152 u
25. 36. unblockproject.icu <https://unblockpro> 104.31.92.108 104.31.93.108 ject.icu
37. unblockproject.info 104.27.184.38 104.27.185.38 <https://unblockpro> ject.info/
38. 104.27.188.146 104.27.189.146 unblockproject.xyz <http://unblockproj> ect.xyz
39. unblockproject.live <http://unblockproje> 104.31.18.30 104.31.19.30 ct.live
26. 40. 123unblock.fun <http://123unblock>. 104.28.0.166 104.28.1.166 fun
41. 123unblock.info <http://123unblock>. 104.31.82.153 104.31.83.153 info
42. 123unblock.icu <http://123unblock>. 104.18.44.139 104.18.45.139 icu/
27. 43. unblocked.to <https://unblocked>. 104.28.14.242 104.28.15.242 to
44. unblocked.ltda <https://unblocked>. 104.25.10.10 104.25.11.10 ltda
45. unblocked.dk <https://unblocked>. 104.27.182.69 104.27.183.69 dk
46. unblocked.ms <http://unblocked>. 185.178.208.161 ms
47. unblocked.cam <http://unblocked.c> 104.28.4.69 104.28.5.69 am
48. unblocked.krd <http://unblocked.k> 104.27.142.32 104.27.143.32 rd
49. unblocked.srl <http://unblocked.s> 104.24.124.146 104.24.125.146 rl
50. unblocked.bid <http://unblocked.b> 104.31.18.30 104.31.19.30 id
51. unblocked.pl <http://unblocked.p> 104.27.184.40 104.27.185.40 l
52. unblocked.pet <http://unblocked.p> 104.31.16.3 104.31.17.3 et
53. unblocked.vip <http://unblocked.v> 104.18.50.219 104.18.51.219 ip

54. unblocked.tv http://unblocked.t 104.31.16.3 104.31.17.3 v
55. unblocked.llc http://unblocked.ll 104.31.16.3 104.31.17.3 c
56. unblocked.app http://unblocked.a 104.31.16.3 104.31.17.3 pp
57. unblocked.uno http://unblocked.u 104.31.94.3 104.31.95.3 no
58. unblocked.ist http://unblocked.i 104.31.68.62 104.31.69.62 st
59. unblocked.ink http://unblocked.i 104.31.16.3 104.31.17.3 nk
60. unblocked.one http://unblocked.o 104.27.180.148 104.27.181.148 ne
61. unblocked.nz http://unblocked.n 104.27.186.115 104.27.187.115 z
62. fmovies.unblocked. http://fmovies.unb 104.27.142.32 104.27.143.32 krd locked.krd
63. fmovies.unblocked. http://fmovies.unb 104.31.16.3 104.31.17.3 pet locked.pet
28. 64. unlockproject.live http://unlockproje 104.31.18.30 104.31.19.30 ct.live
29. 65. unblockninja.info https://unblocknin 104.31.92.108 104.31.93.108 ja.info/
30. 66. proxybit.pro https://proxybit.pr 104.27.180.73 104.27.181.73 o/
31. 67. proxyportal.ws https://proxyporta 104.28.14.239 104.28.15.239 l.ws/
32. 68. hollymovies4u.com http://hollymovies 104.28.28.160 104.28.29.160 4u.com Further, Defendant Nos. 42 and 43 are directed to suspend the aforementioned domain name registration of Defendant Nos. 1 to 32 and issue requisite notifications calling upon various internet and telecom service providers registered under them to block the aforementioned websites identified by Plaintiffs.
21. Let provisions of Order XXXIX Rule 3 CPC be complied by way of email within a period of one week.
22. A copy of this order be given dasti under the signature of the Court Master."
7. I have been informed that pursuant to the interim order, defendant No. 42 has issued a notification. I have also been informed that defendant Nos. 33 to 41 have blocked the rogue websites.
8. Learned counsel for the plaintiffs presses the prayers: (i) to (iii). In other words, the other reliefs as made in the plaint are not pressed. Learned counsel relies upon the judgment of a co-ordinate

bench of this Court in the case of UTV Software Communication Ltd. And Ors. v. 1337X. to and Ors., 2019 (78) PTC 375 (Del.); and connected matters decided on April 10, 2019 to contend, which deals with the determination of rogue websites and the proper orders to be passed in such cases extensively.

9. In UTV Software (supra), the Court heard arguments on behalf of the plaintiffs therein and also appointed an amicus curiae. As in the present case, neither the ISPs impleaded therein nor the Government of India advanced any submission on merits. In circumstances virtually identical with the present case, the Court came to the conclusion that the concerned websites were liable for copyright infringement under Section 51 of the Act and were not entitled to exemptions under 51 (1)(c) of the Act or Section 79 of Information Technology Act, 2000. As far as rogue websites are concerned, the Court identified the following illustrative factors to be considered in determining whether a particular website falls within that class:-

"59. In the opinion of this Court, some of the factors to be considered for determining whether the website complained of is a FIOI/Rogue Website are:-

- a. whether the primary purpose of the website is to commit or facilitate copyright infringement;
- b. the flagrancy of the infringement, or the flagrancy of the facilitation of the infringement;
- c. Whether the detail of the registrant is masked and no personal or traceable detail is available either of the Registrant or of the user.
- d. Whether there is silence or inaction by such website after receipt of take down notices pertaining to copyright infringement.
- e. Whether the online location makes available or contains directories, indexes or categories of the means to infringe, or facilitate an infringement of, copyright;
- f. Whether the owner or operator of the online location demonstrates a disregard for copyright generally;
- g. Whether access to the online location has been disabled by orders from any court of another country or territory on the ground of or related to copyright infringement;
- h. whether the website contains guides or instructions to circumvent measures, or any order of any court, that disables access to the website on the ground of or related to copyright infringement; and i. the volume of traffic at or frequency of access to the website;
- j. Any other relevant matter."

10. Learned counsel for the plaintiffs has drawn my attention to two affidavits filed by Mr. Manish Vaishampayan, who conducted the investigation with regard to the aforesaid websites on the instance of the plaintiffs to contend that the said websites need to be treated as "rogue websites". She has also drawn my attention to the following documentary evidence in support of each of the aforesaid websites:

"

S. Particulars Court File Convenience No. Pagination along File with Volume No. Pagination

1. Print of Contact Details of various FOLDER IV websites as available on WHOIS (primary domains):

- 1) Rlsbb.unblocked.ltda 696-698 (Vol. 4)
- 2) Ddlvalley.me 734-737 (Vol.4)
- 3) Rutor.info 820-824 (Vol. 4)
- 4) Babytorrents.net 959-961 (Vol. 5)
- 5) Vikv.net 1172-1174 (Vol.6)
- 6) Vextorrents.com 1248-1249 (Vol.6)
- 7) Gdrivedl.xyz 1290-1292(Vol.7)
- 8) Sensrc.me 1329-1331 (Vol.7)
- 9) X265movies.co 1432-1433(Vol.7)
- 10) Hdmoviesapk.in 1479-1481(Vol.7)
- 11) Filmypoint.site 1537-1539(Vol.8)
- 12) 123tvstream.com 1590-1592 (Vol.8)
- 13) Gomovies.cool 1619-1622(Vol.8)
- 14) Moviesghar.best 1660-1662(Vol.8)
- 15) Khaanflix.com 1738-1740(Vol.9)
- 16) 1movies.is 1938-1940 (Vol.10)

- 17) Ssrmovies.ind.in 2008-2011 (Vol.10)
- 18) Hindiview.com 2028-2083 (Vol.11)
- 19) Yesmovies.fm 2134-2136 (Vol.11)
- 20) Hdhub4u.casa 2174-2177 (Vol.11)
- 21) Sdmoviespoint.me 2231-2233 (Vol.11)
- 22) Prox4u.pro 2310-2312 (Vol.12)
- 23) Mrunlock.space 2438-2440 (Vol.12)
- 24) Nocensor.casa 2471-2474 (Vol.13)
- 25) Unblockproject.icu 2542-2544 (Vol.13)
- 26) 123unblock.fun 2622-2624 (Vol.13)
- 27) Unblocked.to 2696-2697 (Vol.14)
- 28) Unblockproject.live 2854-2857 (Vol.15)
- 29) Unblockninja.info 2932-2934 (Vol.15)
- 30) Proxybit.pro 3013-3015 (Vol.15)
- 31) Proxyportal.ws 3050-3052 (Vol.15)

2. Copies of proof of ownership of @45-70 of movie titles Documents

- a) Finding Dory (Disney) (Folder IV Vol. 1)
- b) The Jungle Book(Disney)
- c) Transformers: The Last Knight(Paramount)
- d) Miracles from Heaven(Columbia) @3105-3111 of
- e) Joker (Warner) Documents (Folder IV Vol. 16)
- f) Aquaman (Warner)

g) The Lego Batman Movie (Warner)

h) Stranger Things- Season 1 (Netflix)

i) Sacred Games- Season 1 (Netflix)

j) The Secret Life of Pets 2 (Universal)

3. Screenshots of Homepage of various FOLDER IV websites (primary domains):

1) Rlsbb.unblocked.ltda 645-658 (Vol. 4)

2) Ddlvalley.me 703-707(Vol.4)

3) Rutor.info 738-750 (Vol. 4)

4) Babytorrents.net 901-904(Vol. 5)

5) Vikv.net 967-969 (Vol.5)

6) Vextorrents.com 1175-1176(Vol.6)

7) Gdrivedl.xyz 1250-1252 (Vol.7)

8) Scnsrc.me 1293-1296 (Vol.7)

9) X265movies.co 1373-1378(Vol.7)

10) Hdmoviesapk.in 1434-1438(Vol.7)

11) Filmypoint.site 1482-1489 (Vol.8)

12) 123tvstream.com 1546-1552 (Vol.8)

13) Gomovies.cool 1593-1595(Vol.8)

14) Moviesghar.best 1623-1624(Vol.8)

15) Khaanflix.com 1665-1708 (Vol.9)

16) 1movies.is 1838-1839 (Vol.10)

17) Ssrmovies.ind.in 1941-1943 (Vol.10)

18) Hindiview.com 2014-2018 (Vol.11)

19) Yesmovies.fm 2084-2089 (Vol.11)

20) Hdhub4u.casa 2137-2141 (Vol.11)

21) Sdmoviespoint.me 2182-2189 (Vol.11)

22) Prox4u.pro 2234-2235, 2244- 2246 (Vol.12)

23) Mrunlock.space 2313-2314, 2323-

24) Nocensor.casa	2331 (Vol.12) 2441-2454 (Vol.13)
25) Unblockproject.icu	2485-2486, 2495- 2496 (Vol.13)
26) 123unblock.fun	2555-2558 (Vol.13)
27) Unblocked.to	2635-2638 (Vol.14)
28) Unblockproject.live	2852-2853 (Vol.15)
29) Unblockninja.info	2858-2866 (Vol.15)
30) Proxybit.pro	2935-2936, 2945- 2947 (Vol.15)
31) Proxyportal.ws	3016-3025 (Vol.16)
32) Hollymovies4u.com	3055-3057 (Vol.16)

4. Printout of proof of infringement by FOLDER IV websites (primary domains):

1) Rlsbb.unblocked.ltda 668-686 (Vol. 4)

2) Ddlvalley.me 710-722(Vol.4)

3) Rutor.info 751-765 (Vol. 4)

4) Babytorrents.net 905-925(Vol. 5)

5) Vikv.net 972-1140(Vol.5-6)

6) Vextorrents.com 1182-1239(Vol.6)

7) Gdrivedl.xyz 1257-1273 (Vol.7)

- 8) Scnsr.me 1300-1318 (Vol.7)
- 9) X265movies.co 1379-1413 (Vol.7)
- 10) Hdmoviesapk.in 1443-1471(Vol.7)
- 11) Filmypoint.site 1490-1517(Vol.8)
- 12) 123tvstream.com 1556-1563 (Vol.8)
- 13) Gomovies.cool 1596-1605(Vol.8)
- 14) Moviesghar.best 1625-1633 (Vol.8)
- 15) Khaanflix.com 1712, 1807-1810 (Vol.9)
- 16) 1movies.is 1846-1920 (Vol.10)
- 17) Ssrmmovies.ind.in 1954-1992 (Vol.10)
- 18) Hindiview.com 2027-2033 (Vol.10)
- 19) Yesmovies.fm 2090-2130 (Vol.11)
- 20) Hdhub4u.casa 2143-2160 (Vol.11)
- 21) Sdmoviespoint.me 2190-2204 (Vol.11)
- 22) Prox4u.pro 2247-2260 (Vol.12)
- 23) Mrunlock.space 2332-
2339 (Vol . 12)
- 24) Nocensor . casa 2455-2462
(Vol . 13)
- 25) Unblockproject.icu 2497-2511 (Vol.13)
- 26) 123unblock.fun 2562-2568 (Vol.13)
- 27) Unblocked.to 2650-2664 (Vol.14)
- 28) Unblockproject.live 2852-2853 (Vol.15)
- 29) Unblockninja.info 2867-2882 (Vol.15)

30) Proxybit.pro 2948-2963 (Vol.15)

31) Proxyportal.ws 3026-3041 (Vol.16)

32) Hollymovies4u.com 3064-3080 (Vol.16)

5. Printouts of the DMCA, FAQ, etc. pages, evidencing infringing nature of the Defendant Websites:

1) Rlsbb.unblocked.ltda(Defendant Contact@659 No.1) (Vol.4) Conatct Us @709 (Vol.4)

3) vikv.net (Defendant No. 5) DMCA@ 970-971 (Vol.5)

4) Vextorrents.com(Defendant No. 6) How to download @1177-1179 Contact Us @1180-1181 (Vol.

6)

5) Gdrivedl.xyz (Defendant No.7)

Request Page @1253-1256 (Vol.7)

6) Hdmoviesapk.in(Defendant 10)

No. About Us Page @1439-1440 DMCA @1441 Contact @1442 (Vol.7)

7) 123tvstream.com (Defendant No. 12)

DMCA @1553 1554 Contact @1555 (Vol. 8)

8)Khaanflix.com (Defendant No. 15)

DMCA @1709 (Vol.9)

9) 1movies.is (Defendant No. 16)

DMCA@ 1840 Contact @1842-1843 (Vol. 10)

8) Ssrmovies.ind.in (Defendant No. 17)

DMCA @1944 1948

	Contact @1949-1953 (Vol. 10)	
9) Hindiview.com(Defendant No. 18)	DMCA	@2019
	Contact Us @ 2021-2022 (Vol.10)	
10) Hollymovies4u.com (Defendant No. 32)	DMCA 3060 Contact Us@3061-3063 (Vol. 16)	@3058

11. On the basis of the evidence placed on record, and keeping in mind the factors identified by this Court in UTV Software (supra), I find that there is sufficient evidence to hold that the defendant websites are "rogue websites":

a. From Affidavits of Mr. Manish Vaishampayan, it appears that the primary purpose of the defendant-websites is to provide unauthorised and infringing content to the public.

b. The details of the registrants of each of the websites are masked and no personal or traceable details are available either of the registrant or the user.

c. Despite receipt of legal notices, the defendant-websites have not complied with the requests to take down the infringing content. d. The defendant-websites contain directories or indexes to facilitate infringement of copyright.

e. Sample evidence of infringement has been filed before this Court. An illustrative list of the content in respect of which infringement is demonstrated has also been filed.

12. The learned counsel for the plaintiffs had relied upon Annexure-E of Delhi High Court (Original Side) Rules, 2018 clause 9(h)(ii) which states for this Court to pass summary judgment. As I find the defendant Nos.1 to 32 and 45 to 135 are not appearing, despite notice, the suit can be heard and decided.

13. Following the judgment in UTV Software (supra), the defendant websites having been identified as rogue websites, the plaintiffs are entitled to the prayer as sought in prayer clauses (i) to (iii) of the plaint.

14. In UTV Software (supra), the Court also examined the issue of grant of dynamic injunctions and permitted subsequent impleadment of mirror/redirect/alphanumeric websites which provide access to the defendant

websites, by filing an application under Order I Rule 10 of the CPC before the Joint Registrar alongwith an affidavit with supporting evidence, confirming that the proposed website is mirror/redirect/alphanumeric website of the injuncted defendant websites. At Ms.Sneha Jain's request, the same directions are liable to be made in this case also.

15. The suit is therefore decreed in terms of prayer clauses (i), (ii) and

(iii) of the plaint, extracted above. The plaintiffs are also permitted to implead any mirror/redirect/alphanumeric websites which provide access to the defendant-websites by filing applications under Order I Rule 10 of the CPC supported by affidavits and evidence as directed above. Any websites impleaded as a result of such application will be subject to the same decree.

The plaintiffs are entitled to actual costs of litigation including lawyers' fees and court fees. They will file an affidavit of their actual costs within two weeks.

16. Decree sheets be drawn up accordingly.

17. The suit and pending applications stand disposed of.

V. KAMESWAR RAO, J MARCH 12, 2020/bh