

Universal City Studios Llc. And Ors vs Dotmovies.Baby And Ors on 25 September, 2023

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 514/2023
UNIVERSAL CITY STUDIOS LLC. AND ORS.

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Through: Mr. Raghav Goyal, Ms. Anjali
Agrawal, Advocates

versus

DOTMOVIES.BABY AND ORS.

Through:

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

ORDER

% 25.09.2023 I.A No. 18741/2023 on behalf of the plaintiffs under Order I Rule 10 CPC seeking impleadment of mirror websites / redirects / alphanumeric variations of the defendants as additional defendant nos. 29 to 31 in the memo of parties.

Heard.

Plaintiff has moved the present IA under Order 1 Rule 10 CPC for impleadment of fresh defendants. Learned counsel for the plaintiff has submitted that the Hon'ble Court was pleased to grant an ex-parte ad-interim injunction in this suit against the defendants vide order dated 09.08.2023 for infringement of copyrights of the plaintiff with further directions that as and when plaintiff files an application under Order 1 Rule 10 CPC for impleadment of such other websites, plaintiff shall file an affidavit confirming that the websites to be impleaded are mirror/ redirect/ alphanumeric websites, with sufficient supporting evidence. Hon'ble Court had further directed that the application for impleadment shall be listed before the Joint Registrar, who on This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 27/09/2023 at 23:43:12 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.

It has been submitted that after passing of the order dated 09.08.2023, other websites, as disclosed in the present application, have also started violation of the plaintiff's copyrights. These websites are mirror / redirects / alphanumeric variations of the websites which were blocked pursuant to the order dated 09.08.2023 and are also necessary party to this suit. It has been further stated that

details of the proposed defendants have been disclosed in Schedule-A annexed with application. It has also been submitted that ex-parte injunction dated 09.08.2023 is also liable to be extended against the proposed defendants, in view of the material placed on record alongwith the present IA.

I have considered the submissions and perused the record. The law to deal with such applications and extension of ex-parte ad-interim injunction to the proposed defendants has already been laid down in UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors., wherein it has been observed, vide paragraph 107, to the effect :

"107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) 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, 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 This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 27/09/2023 at 23:43:12 cinematograph work/content/ programme/show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant- websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly."

Plaintiff has also filed alongwith an affidavit of an investigator with sufficient material to prove that proposed defendants/websites are mirror/redirect/ alphanumeric websites of defendants which are also involved in violation of copyrights of the plaintiff. In view of the submissions, material put fourth by the plaintiff, and directions passed by the Hon'ble Court in the order dated 09.08.2023, the websites mentioned in the prayer clause of the application and Schedule-A are impleaded as defendants no. 29 to 31.

Since the newly added defendants are also stated to be involved in violation of copyrights of the plaintiff, accordingly ex-parte ad-interim Injunction dated 09.08.2023 is also extended against the newly impleaded defendant nos. 29 to 31.

Amended memo of parties is taken on record.

I.A. stands disposed off.

This is a digitally signed order.

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Registry is directed to do the needful.

Copy of order be given dasti.

Put up for completion of pleadings on 16.10.2023, the date already fixed.

AJAY GULATI - I (DHJS), JOINT REGISTRAR (JUDICIAL) SEPTEMBER 25, 2023/sk Click here to check corrigendum, if any This is a digitally signed order.

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