

Star India Pvt Ltd & Anr vs Afilmywap.Top & Ors on 3 November, 2020

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (COMM) No. 485/2020 & I.A. Nos. 10011-14/2020

STAR INDIA PVT LTD & ANR.

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Through : Mr. Sidharth Chopra, Mr. Yatind

Garg and Mr. Vivek Ayyagari, Ad

versus

AFILMYWAP.TOP & ORS.

Through :

None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 03.11.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. This is an application moved on behalf of the plaintiffs under Section 80 of the Code of Civil Procedure, 1908 [CPC] seeking exemption from advance service of the instant suit action on defendant nos. 55, 58, 63, and

2. Having regard to the assertions made in the application, the prayer made therein is allowed. The application is, accordingly, disposed of.

3. Allowed, subject to just exceptions.

4. Allowed, subject to the plaintiffs curing the deficiencies referred to in the captioned application within five days from today.

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5. The plaintiffs have filed the instant suit for injunction and damages on the ground that their exclusive rights to the original content in the cinematograph film "Laxmii" are likely to be violated.

5.1 The plaintiffs have averred that the aforementioned film is set for release on 09.11.2020 on the digital platform Disney+ Hotstar. 5.2 According to the plaintiffs, the rogue websites, which are arrayed as defendant nos. 1 to 50, have, in the past, infringed their statutory rights i.e. copyrights in

the cinematograph films produced on earlier occasions. The past infringements have been tabulated by the plaintiffs; the details of which are found at page 177 of the plaintiffs' documents folder. 5.3 I am informed that defendant nos. 52 and 53 are the domain name registrars [in short "DNRs"] while defendant nos. 54 to 62 are the Internet Service Providers [in short "ISPs"].

5.4 I am further informed that the Department of Telecommunication [in short "DOT"] and the Ministry of Electronics and Information Technology [in short "MEITY"] have been arrayed as defendant nos. 63 and 64 respectively. To be noted, defendant no. 65 is Ashok Kumar i.e. the John Doe defendant(s).

6. Having heard Mr. Sidharth Chopra, who appears on behalf of the plaintiffs, and perused the documents on record, I am of the view that the plaintiffs' legal rights and commercial interests need to be protected. 6.1 I have come to this prima facie conclusion, at least at this stage, in view of the past record of the rogue websites i.e. defendant nos. 1 to 50.

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7. Accordingly, issue summons in the suit and notice in the captioned application to the defendants via all means including e-mail. 7.1 In the meanwhile, defendant nos. 1 to 50 are restrained from, in any manner, hosting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same on their websites via the internet, in any manner whatsoever, the cinematograph film "Laxmii" in which the plaintiffs have exclusive rights. For the sake of convenience, the particulars of defendant nos. 1 to 50 are set out hereafter.

S.No.	Particulars	S.No.	Particulars
1.	afilmywap.top; afilmywap.nl	26.	ettvcentral.
2.	ktmmovies.live	27.	zooqle.unblo
3.	mflixbd.wapkiz.com	28.	movieplex.be
4.	sumonerbd.wapkiz.com	29.	yifytorrent.
5.	daudtech.wapkiz.com	30.	moviespur.in
6.	moviezaddiction.unblockit.lat	31.	blurayufr.co
7.	tamilmv.unblockit.lat	32.	www4.123movi
8.	9jarocks.com	33.	prmovies.top
9.	bollyflix.club	34.	yifytorrenth
10.	keralahd.com	35.	5xmovies.net
11.	skytorrents.org	36.	w.8xflix.inf
12.	downloadbeast.unaux.com	37.	ww.8xflix.or
13.	klwap.tv	38.	moviespur.co
14.	kat.am	39.	skytorrents.
15.	yifytorrent.pro	40.	4movierulz.p
16.	watch123movies.info	41.	7starhd.vied
17.	torrentfunk.siteunblocked.info	42.	7starhd.sale
18.	ytsmovies.to	43.	9xmovie.mons
19.	ww5.filmwap.com	44.	9xmovies.pic
20.	yts.li	45.	filmyzilla.t
21.	mls-bd.com	46.	ssrmovies.sp
22.	yifytorrent.cc	47.	tamilrockers
23.	download-anymovies.com	48.	vegamovies.l
24.	1887x.xyz	49.	vegamovies.n

25. torrentgalaxy.unblockninja.com 50. cinevood.spa

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7.2 Furthermore, defendant nos. 52 and 53 i.e. the DNRs

to block/suspend the domain names of defendant nos. 1 and 2. To be noted, the domain name of defendant no. 1 is registered with defendant no. 52 while the domain name of defendant no. 2 is registered with defendant no.53.

7.3 Besides this, defendant no. 63 and 64 [i.e. DOT and MEITY respectively] shall issue necessary directions/notifications calling upon various ISPs, in general, [including defendant nos. 54 to 62] to block access to the websites of defendant nos. 1 to 50 as also qua mirror/redirect/alphanumeric websites of the said defendants, which are referred to in paragraph 7.1 above.

7.4 The plaintiffs are also given liberty to file an application under Order I Rule 10 of the CPC to array other rogue websites if the same are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites from illegally streaming the creative content in which the plaintiffs have a copyright.

8. The plaintiffs will comply with the provisions of Order XXXIX Rule 3 of the CPC within five days of the receipt of a copy of this order.

9. List the matter on 25.01.2021.

RAJIV

NOVEMBER 03, 2020

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