

Star India Pvt. Ltd & Anr vs Y1.Mylivecricket.Biz & Ors on 26 March, 2021

Author: C.Hari Shankar

Bench: C.Hari Shankar

\$~24(Original Side)

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(COMM) 151/2021, I.A. 4669/2021,I.A. 4670/2021 & 4671/2021

STAR INDIA PVT. LTD & ANR.

Through:

..... Plain
Mr. Saikrishna Rajgopa
Sidharth Chopra, Ms. S
Jain, Mr. Yatinder Gar
Vivek Ayyagari,
Subhoshree Sil & Ms. S
Rao, Advs.

versus

Y1.MYLIVECRICKET.BIZ & ORS

..... Defendants

Through: Mr. Moazzam Khan & Mr.

Brijesh Ujjainwal, Advs. for
D14

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR
ORDER

% 26.03.2021 I.A. 4671/2021(under Section 80, read with Section 151 of the CPC, 1908- for exemption)

1. For the reasons stated in this application, the prayer in the application is allowed.

2. The application is disposed of.

I.A. 4670/2021(under Section 151 of the CPC, 1908- for exemption)

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

2. The application is disposed of.

CS(COMM) 151/2021

1. Issue summons. Summons are accepted on behalf of Defendant No. 14 by Mr. Moazzam Khan.

2. Summons be issued to the other defendants by all possible modes, including dasti, where possible.
3. Affidavit of service, along with proof thereof, be placed on record, before the next date of hearing.
4. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiffs, be filed within a period of four weeks, with advance copy to learned counsel for the plaintiffs, who may file replication thereto, if any, accompanied by affidavit of admission and denial of the documents filed by the defendants, within two weeks thereof.
5. List before the Joint Registrar, for completion of pleadings, admission and denial of documents, and marking of exhibits on 24th May, 2021.

I.A. 4669/2021(under Order XXXIX, Rules 1 & 2, read with Section 151 of the CPC, 1908)

1. Issue notice, returnable on 11th May, 2021. Notice is accepted on behalf of Defendant No. 14 by Mr. Moazzam Khan.
2. Let notice to the remaining defendants be issued by all modes, including dasti, where possible.
3. Response to this application be filed within a period of three weeks from today, with advance copy to learned counsel for the plaintiffs, who may file rejoinder thereto, if any, within one week thereof.
4. Re-notify on 11th May, 2021.
5. The plaintiffs assert exclusive rights to broadcast the fourteenth season of the Indian Premier League, conducted by the Board of Control for Cricket in India (BCCI), known as "Vivo IPL 2021", between 9th April, 2021 and 30th May, 2021, on television, internet and mobile applications, under agreement dated 7th September, 2017, executed with the BCCI. These rights, it is asserted, include the right to use the Indian Premier League logos, Indian Premier League names and other marks associated with the IPL. Reliance has also been placed on letter dated 7th April, 2018, whereby the said rights have been confirmed by the BCCI.
6. Though Para 13 of the plaint contains a recital that the defendants are infringing the plaintiffs' rights with respect to the Vivo IPL 2021, Mr. Rajgopal, learned counsel for the plaintiffs, submits that this was a typographical mistake. The submission is noted. Infringement, he submits, is apprehended, based on previous infringements by the defendants, though not actual, as yet.
7. As such, it is asserted that any unauthorised broadcast, of the Vivo IPL 2021 events would amount to an infringement of the Copyright Act, therein, vested in the plaintiffs under Section 37 of the Copyright Act, 1957. Defendant Nos. 1 to 13, the petition complaints run the following sixteen "rogue websites":

S. No. List of Websites

1. y1.mylivecricket.biz/
2. y2.mylivecricket.biz/
3. y3.mylivecricket.biz/
4. y4.mylivecricket.biz/
5. crackstreams.se/
6. live.jokerswidget.org/
7. live-sport24.com/
8. plytv.rocks/
9. sportkart.xyz/
10. starlive.hjkm.info/
11. telerium.digital
12. ustream.to
13. video.webcric.com
14. webfirstrow.eu/
15. 103.102.136.106:8080/cmcltv/livesports.m3u8
16. rtasports.live/

8. The documents at Pages 27 to 151 of the documents annexed with the plaint, make out, prima facie, a case of unlawful infringement, by Defendant Nos. 1 to 13, of earlier events, over which the plaintiffs had copyright, through the aforesaid sixteen websites.

9. It is in these circumstances that the plaintiff prays for ad interim orders. The prayer clause in the application reads thus;

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

(i) Pass an order of temporary injunction restraining the Defendants No. 1 to 13 (and such other websites / entities which are discovered during the course of the

proceedings to have been engaging in infringing the Plaintiffs' exclusive rights and Copyrights), 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 communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Vivo Indian Premier League 2021 and content related thereto, so as to infringe the Plaintiffs' exclusive rights and Copyrights;

(ii) Pass an order directing the Defendant Nos.

14, 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 suspend the domain name registration of domain names of Defendants No. identified by the Plaintiffs in the instant suit in Memo of Parties or such other domain names that may subsequently be notified by the Plaintiffs to be of Rogue Websites which infringe its exclusive rights;

(iii) Pass an order directing the Defendant Nos. 15 to 23, 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 various websites identified by the Plaintiffs in the instant suit at S. No. 1 of the Documents or such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights;

(iv) Pass an order and decree directing the Defendant Nos. 24 and 25 to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiffs in the instant suit at S. No. 1 of the Documents or such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights; and

(v) Pass an ex-parte ad-interim order in terms of the prayer clauses (i) to (iv) hereinabove.

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 Plaintiffs."

10. The plaintiffs has also placed on record, orders passed by coordinate Benches of this Court in similar matters including those of the plaintiffs.

11. Following the said orders, and in the interests of consistency, till the next date of hearing, the following ad interim directions are issued:

(i) Defendant Nos. 1 to 13 are restrained from, in any manner, posting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public, the "Vivo IPL 2021" season of the Indian Premier League, conducted by the BCCI, scheduled to take place between 9th April, 2021 and 30th May, 2021 or

facilitating the same, on the aforesaid sixteen websites via the internet, in any manner, whatsoever.

(ii) Defendant No. 14 is directed to suspend the domain name of Defendant No. 13.

(iii) Defendant Nos. 24 and 25 (Department of Telecommunications and Ministry of Electronics and Information Technology respectively), shall issue necessary directions/ notifications, calling on various internet providers including Defendant Nos. 15 to 23 to block access to the aforesaid sixteen websites of Defendant No. 1 to 13, as also to any mirror/re-direct/alphanumeric websites of the said defendants.

(iv) If there are any other websites which are found to be illegally streaming Vivo IPL 2021 matches, the plaintiffs are permitted to approach Defendant Nos. 24 and 25 to seek blocking orders, which, if passed, shall be implemented by Defendant Nos. 15 to 23.

12. The plaintiffs are directed comply with the provisions of Order XXXIX, Rule 3 of the CPC, 1908.

13. Re-notify on 11th May, 2021, before Court.

C.HARI SHANKAR, J MARCH 26, 2021/ss