

Disney Enterprises, Inc. & Ors vs Kimcartoon.To & Ors on 27 July, 2020

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

\$~1

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 275/2020

DISNEY ENTERPRISES, INC. & ORS.

.....

Through Mr. Saikrishna Rajagopal with
Sidharth Chopra, Ms. Sneha Ja
Ms. Disha Sharma, Ms. Snehima
Jauhari and Ms. Surabhi Pande

Versus

KIMCARTOON.TO & ORS.

Through None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER

% 27.07.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. Allowed, subject to the plaintiffs curing the deficiencies referred to in the captioned applications within five days of the lockdown qua this Court being lifted.

2. This is an application filed under Section 80 read with Section 151 of the CPC. Via this application, the plaintiffs seek an exemption from serving notice on defendant nos. 47 and 48.

3. To be noted, defendant no. 47 is the Department of Telecommunications (DoT) while defendant no. 48 is the Ministry of Electronics and Information Technology (MEITY). 3.1 Ordinarily, the Union of India ought to have been sued, albeit, KUMAR RAI CS(COMM) 275/2020 Pg.1 of 11 through DOT and MEITY.

4. However, this is an error of description and not intent and, hence, need not detain me so as to proceed further in the matter.

5. Accordingly, the prayer made in the application is allowed for the reasons given therein.

CS(COMM) No. 275/2020 & I.A. No.6089/2020

6. Issue summons in the suit and notice in the captioned application via all means including email.

7. The plaintiffs constitute companies, which are incorporated in various states of the United States of America. 7.1 The plaintiffs are inter alia in the business of creation, production and distribution of motion pictures/cinematograph films. 7.2 The plaintiffs are aggrieved by the fact that certain rogue websites are enabling the down-streaming of their creative work which includes films and other entertainment programmes, albeit, without requisite licenses. The plaintiffs aver that they have the copyright in the content of their creative works and, hence, need to be protected. 7.3 The rogue websites are arrayed as defendant nos. 1 to 37. The details of these websites, as set forth in the plaint, are extracted hereafter:

S.No.	Domain Name	URL
1.	Kimcartoon.to	https://kimcartoon.to/
2.	kisscartoon.me	http://kisscartoon.me
3.	kisscartoon.se	http://kisscartoon.se
4.	kisscartoon.com	http://kisscartoon.com
5.	kisscartoon.nl	https://kisscartoon.nl
KUMAR RAI CS(COMM) 275/2020		
6.	kisscartoon.ac	http://kisscartoon.ac 104.24.104.27.104.27.
7.	kisscartoon.is	http://kisscartoon.is 104.26.104.26.
8.	kisscartoon.eu	http://kisscartoon.eu/ 104.24.104.24.
9.	kisscartoon.es	http://kisscartoon.es/ 104.28.104.28.
10.	kisscartoon.bz	http://kisscartoon.bz/ 78.142.
11.	kisscartoon.xyz	https://www16.kisscartoon.xy 104.28.104.28.
12.	kisscartoons.co	http://kisscartoons.co/ 104.18.104.18.
13.	kisscartoon.ro	https://kisscartoon.ro/ 104.18.104.18.
14.	kisscartoon.love	https://www1.kisscartoon.lo 104.31.80.60 e/ 104.31.81.60
15.	kisscartoon.info	https://kisscartoon.info/ 104.18.38.113 104.18.39.113
16.	Tv.xgomovies.com	https://tv.xgomovies.com/ 160.153.208.136

17. xgomovies.com <https://xgomovies.com/> 160.153.208.136
18. Europixhd.io <https://europixhd.io> 104.24.104.153 104.24.105.153
19. europixhd.net <http://europixhd.net> 104.31.76.231 104.31.77.231
20. europix.biz <https://europix.biz/> 104.27.138.15 104.27.139.15
21. topeuropix.com <https://topeuropix.com/> 104.27.164.14 104.27.165.14
22. Lookmovie.ag <https://lookmovie.ag> 104.31.0.179 104.31.1.179
23. lookmovie.ch <https://lookmovie.ch/> 104.18.50.223 104.18.51.223
24. lookmovie.co <https://lookmovie.co/> 104.18.56.6 104.18.57.6
25. lookmovie.pro <https://lookmovie.pro/> 207.180.251.37 KUMAR RAI CS(COMM) 275/2020 Pg.3 of 11
26. 123movieshub.vip <https://123movieshub.vip> 104.18.58.193 104.18.59.193
27. 123movieshub1.com <https://123movieshub1.com/> 104.28.26.197 104.28.27.197
28. 123movieshub.one <https://ww.123movieshub.one> 104.27.172.121 / 104.27.173.121
29. 123movieshub.town <https://123movieshub.town/> 104.27.134.61 104.27.135.61
30. 123movieshub.eu <https://123movieshub.eu/> 104.27.132.58 104.27.133.58
31. cinebloom.pro <https://cinebloom.pro/> 207.180.216.107
32. cinebloom.biz <https://cinebloom.biz/> 104.28.30.93 104.28.31.93
33. Cinebloom.org <https://www.cinebloom.org> 104.28.4.203
34. m.wcostream.com <https://m.wcostream.com> 192.162.136.33
35. wcostream.com <https://www.wcostream.com> 192.162.136.33
36. watchcartoononline.io <http://watchcartoononline.io> 104.28.16.39 104.28.17.39
37. thewatchcartoononline.tv <https://www.thewatchcartoon> 192.162.136.33 online.tv/
192.162.137.229

38. wco.tv <https://www.wco.tv/> 91.215.159.214
39. Moviesjoy.net <https://www1.moviesjoy.net> 104.31.68.53 104.31.69.53
40. moviesjoys.in <https://moviesjoys.in/> 104.28.30.186 104.28.31.186
41. moviesjoy.pro <https://moviesjoy.pro/> 207.180.216.107
42. afdah.info <https://afdah.info> 104.31.6.165 104.31.7.165
43. afdah.site <https://afdah.site/> 104.27.184.207 104.27.185.207
44. afdah.email <https://afdah.email/> 104.24.122.252 104.24.123.252
45. afdah.surf <https://afdah.surf/> 104.27.168.127 104.27.169.127
46. P3odownload.com <https://p3odownload.com/> 5.144.130.116 KUMAR RAI CS(COMM)
275/2020 Pg.4 of 11
47. kiss-anime.ws <https://www.kiss-anime.ws> 104.26.4.69 104.26.5.69
48. kiss-anime.me <http://kiss-anime.me> 104.31.66.23 104.31.67.23
49. kissanime.monster <https://kissanime.monster/> 104.18.36.32 104.18.37.32
50. kissanime.pro <https://kissanime.pro/> 104.24.118.210 104.24.119.210
51. kissanime.fm <https://kissanime.fm/> 104.24.106.34 104.24.107.34
52. kissanime.nz <https://kissanime.nz> 104.26.12.106 104.26.13.106
53. Proxyof.com <http://proxyof.com> 104.18.36.49 104.18.37.49
54. Yeshollywood.org <https://yeshollywood.org> 104.31.76.41 104.31.77.41
55. moviesonlinewatch.com.pk <http://moviesonlinewatch.co> 104.28.4.149 m.pk 104.28.5.149
56. movieswatch.com.pk <http://www.movieswatch.com> 104.26.6.6 .pk/ 104.26.7.6
57. Watchfriendsonline.net <http://watchfriendsonline.net> 104.24.112.58 104.24.113.58
58. watchfriendsonline.eu <https://watchfriendsonline.eu/> 104.24.100.47 104.24.101.47
59. iwatchfriends.net <https://iwatchfriends.net/> 104.27.168.9 104.27.169.9

60. Nyaa.si <https://nyaa.si> 185.178.208.182
61. Horriblesubs.info <https://horriblesubs.info> 104.24.108.17 104.24.109.17
62. Gogoanime.video <https://gogoanime.video> 104.31.70.253 104.31.71.253
63. gogoanime.in <http://gogoanime.in> 104.27.136.219 104.27.137.219
64. gogoanime.tv <http://gogoanime.tv> 104.28.2.206 KUMAR RAI CS(COMM) 275/2020 Pg.5 of 11 104.28.3.206
65. gogoanime.io <https://www15.gogoanime.io> 94.242.62.229
66. gogoanime.se <http://gogoanime.se> 104.24.98.74 104.24.99.74
67. gogoanimes.co <http://gogoanimes.co> 104.27.146.10 104.27.147.10
68. gogoanimehub.tv <https://www4.gogoanimehub.> 104.18.32.30 tv 104.18.33.30
69. gogoanimehub.com <https://www11.gogoanimehu> 104.27.142.246 b.com 104.27.143.246
70. gogoanime.pro <https://gogoanime.pro/> 104.28.18.241 104.28.19.241
71. gogoanime-io.net <http://gogoanime-io.net/> 104.27.164.86 104.27.165.86
72. gogoanime.cool <https://gogoanime.cool/> 104.18.36.96 104.18.37.96
73. 9anime.to <https://9anime.to> 104.24.104.31 104.24.105.31
74. 9anime.ru <https://9anime.ru> 104.27.156.26 104.27.157.26
75. 9anime.nl <https://9anime.nl> 104.31.68.79 104.31.69.79
76. 9anime.live <https://9anime.live> 104.28.8.134 104.28.9.134
77. 9anime.life <https://9anime.life> 104.18.42.83 104.18.43.83
78. 9anime.one <https://9anime.one> 104.27.170.68 104.27.171.68
79. 9anime.page <https://9anime.page> 104.27.186.190 104.27.187.190
80. 9anime.video <https://9anime.video> 104.27.132.234 104.27.133.234
81. 9animes.net <https://ww.9animes.net/> 104.27.188.240 104.27.189.240

82. Animedao.com <https://animedao.com> 104.18.54.81 104.18.55.81 KUMAR RAI CS(COMM)
275/2020 Pg.6 of 11

83. Hdmovies.club <https://hdmovieshub.club/> 104.27.132.62 104.27.133.62

84. hdmovieshub.cc <https://hdmovieshub.cc/> 104.28.4.3 104.28.5.3

85. hubflixhd.in <http://hubflixhd.in> 104.24.106.81 104.24.107.81

86. movies123.pics <https://movies123.pics> 104.27.184.67 104.27.185.67

87. Movies123.pro <http://movies123.pro> 104.18.56.188 104.18.57.188

88. movies123.top <https://movies123.top> 104.28.24.36 104.28.25.36

89. Animeram.cc <https://ww2.animeram.cc> 104.18.52.81 104.18.53.81

90. Iptorrents.com <https://iptorrents.com> 104.20.222.73 104.20.223.73

91. ipt-update.com <http://ipt-update.com> 104.28.4.103 104.28.5.103

92. iptorrents.us <http://iptorrents.us> 104.18.62.146 104.18.63.146

93. ipt.lol <https://ipt.lol> 104.31.94.99 104.31.95.99

94. ipt.beelyrics.net <https://ipt.beelyrics.net> 104.31.92.247 104.31.93.247

95. ipt.findnemo.net <https://ipt.findnemo.net> 104.18.44.247 104.18.45.247

96. ipt.getcrazy.me <https://ipt.getcrazy.me> 104.24.96.186 104.24.97.186

97. ipt.venom.global <https://ipt.venom.global> 104.27.136.53 104.27.137.53

98. ipt.workisboring.net <https://ipt.workisboring.net> 104.24.126.216 104.24.127.216

99. iptorrents.eu <https://iptorrents.eu/> 104.25.150.17 104.25.151.17

100. nemo.iptorrents.com <https://nemo.iptorrents.com/> 104.20.222.73 104.20.223.73

101. Torrentdownload.info <https://www.torrentdownload.info/> 104.18.50.86 KUMAR RAI CS(COMM)
275/2020 Pg.7 of 11 info/ 104.18.51.86

102. All123movies.com <https://ww1.all123movies.co> 104.27.186.203 m 104.27.187.203

103. Cartooncrazy.tv <https://ww1.cartooncrazy.tv> 104.26.0.128 104.26.1.128
104. cartooncrazy.net <http://www.cartooncrazy.net/> 104.26.10.72 104.26.11.72
105. Unblockit.red <https://unblockit.red> 104.26.8.196 104.26.9.196
106. Vumoo.to <http://vumoo.to> 104.27.134.49 104.27.135.49
107. vumoo.life <https://vumoo.life/> 104.24.118.75 104.24.119.75
108. vumoo.xyz <https://vumoo.xyz/> 104.27.186.110 104.27.187.110
109. Yourbittorrent2.com <https://yourbittorrent2.com/> 104.31.74.122 104.31.75.122
110. Openloadmovies.ac <https://openloadmovies.ac> 104.28.10.209 104.28.11.209
111. openloadmovies.net <http://openloadmovies.net> 104.24.106.76 104.24.107.76
112. openloadmovies.bz <http://openloadmovies.bz> 104.31.72.26 104.31.73.26
113. openloadmovies.uk <https://openloadmovies.uk/> 104.27.130.48 104.27.131.48
114. openloadmovies.ch <https://openloadmovies.ch/> 104.27.188.50 104.27.189.50
115. Solarmovie.id <https://ww1.solarmovie.id> 104.27.140.75 104.27.141.75
116. Hdmovie2.com <https://hdmovie2.com/> 104.31.76.223 104.31.77.223
117. 9kmovies.club <https://9kmovies.club> 104.27.146.148 104.27.147.148 KUMAR RAI CS(COMM)
275/2020 Pg.8 of 11
118. 9kmovies.red <http://9kmovies.red> 104.24.104.67 104.24.105.67

8. Besides the aforementioned rogue websites, the plaintiffs have also arrayed the Internet Service Providers (ISPs). These ISPs are arrayed as defendant nos. 38 to 46.

8.1 Furthermore, to ensure that the ISPs block access to the aforementioned rogue websites, the plaintiffs have also arrayed the concerned department i.e. DOT and the concerned ministry of the Union of India i.e. MEITY as defendant nos. 47 and 48 respectively.

9. I have heard Mr. Saikrishna Rajagopal in support of the case put forth by the plaintiffs.

10. According to me, the rogue websites which enable streaming of the creative works of the plaintiffs in which they have copyright, albeit illegally, is a cause for concern. In sum, it is the

plaintiffs' case that the rogue websites are indulging in digital piracy. 10.1 I am of the view that if the plaintiffs are not protected, as prayed for, irreparable damage would be caused to their commercial and statutory interest.

10.2 The balance of convenience, it appears, is also in favour of the plaintiffs.

11. Therefore, I am inclined to issue the following interim directions to protect the interest of the plaintiffs:

(i) Defendant nos. 1 to 37 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 through the internet in any manner whatsoever, any KUMAR RAI CS(COMM) 275/2020 Pg.9 of 11 cinematograph work, content, programme and show in which the plaintiffs have copyright.

(i)(a) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in play by defendant nos. 1 to 37 to grant access to the websites referred to in paragraph 7.3 hereinabove.

(ii) Defendant nos. 38 to 46 are directed to block access to the websites of defendant nos. 1 to 37 as detailed out in paragraph 7.3 above.

(ii)(a) This direction will also operate qua mirror/redirect/alphanumeric websites, which have their roots in the websites of defendant nos. 1 to 37 referred to in paragraph 7.3 above.

(iii) Defendant nos. 47 and 48 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of defendant nos. 1 to 37 as also qua mirror/redirect/alphanumeric websites of the said defendants, which are referred to in paragraph 7.3 above.

(iv) The plaintiffs are 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.

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

KUMAR RAI CS(COMM) 275/2020 Pg.10 of 11

13. Renotify the matter on 01.09.2020.

RAJIV SHAKDHER, J JULY 27, 2020 pmc/KK Click here to check corrigendum, if any KUMAR RAI
CS(COMM) 275/2020 Pg.11 of 11