

# Star India Private Limited vs Magicwin.Games & Ors. on 2 April, 2025

**Author: Amit Bansal**

**Bench: Amit Bansal**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 02

+ CS(COMM) 490/2024, I.A. 31119/2024 & I.A. 31121/2024

STAR INDIA PRIVATE LIMITED

Through: Mr. Akshay Maloo and Ms. Tiwari, Advocates.

versus

MAGICWIN.GAMES & ORS.

Through: Mr. Mrinal Ojha, Mr. Deb Mr. Arjun Mookerjee, Mr. Tiwari and Mr. Yogesh Si Advocates for defendant

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from illegally and unauthorizedly disseminating and broadcasting the plaintiff's works/ content through their rogue websites, along with other ancillary reliefs.

## CASE SETUP IN THE PLAINT

2. The plaintiff is a leading broadcaster in India and is the exclusive licensee of media rights to various sporting events. Plaintiff along with its affiliate companies operates more than seventy (70) channels in over eight languages, including channels such as Star World, Star Movies, Star Bharat, Movies Ok, Star Gold, Jalsha Movies, Star Sports I, Star Sports HOI, Star, Sports Select I, Star Sports Select HD 1, Star Sports 1 Hindi, Star Sports 1 HD Hindi, Star Sports I Tamil, Maa Movies, Suvama Plus, etc. (hereinafter collectively referred to as "STAR Channels"). Through its STAR channels, the plaintiff broadcasts various sporting events in the fields of cricket, football, F1, badminton, tennis, hockey etc. for which the plaintiff holds an exclusive license.

3. Plaintiff also owns and operates the online video streaming platform/website 'www.hotstar.com' and the mobile application 'Disney+ Hotstar'. On the aforementioned platforms, the plaintiff streams various events in respect of which plaintiff has the exclusive digital rights (Internet and Mobile).

4. The present suit is concerned with broadcasting rights of the "ICC Men's T20 World Cup 2024", a Twenty20 (T20) international cricket tournament organized by the International Cricket Council ('ICC') at regular intervals of two years. In 2024, the T20 World Cup 2024 was held from 2nd June 2024 to 29th June 2024, featuring a total of 55 T20 matches, which took place in the West Indies and the United States of America.

5. The plaintiff entered into a Media Rights Agreement dated 27th August 2022 (hereinafter the 'Agreement') with the International Cricket Council (hereinafter the 'ICC'), whereby it was granted exclusive digital media rights and television broadcasting rights for the territory of India concerning various ICC events, including the T20 World Cup, for a contractual term spanning four years, from 2024 to 2027 (hereinafter the 'plaintiff's exclusive content'). In view of the exclusive rights acquired by the plaintiff from the ICC, the plaintiff enjoys broadcast reproduction rights as contemplated and confirmed under Section 37 of the Copyright Act, 1957.

6. It is stated that the ICC World Cup has historically enjoyed immense popularity, particularly in India, where cricket is the most widely followed sport. In previous editions, the plaintiff has generated substantial revenue through their internet and mobile application services, offering streaming of matches via their website and mobile application, as well as repeat telecasts, on-demand access to match content, highlights, and related features. During the filing of the suit, similar revenue generation was anticipated by the plaintiff from the live broadcast and streaming of the ICC T20 World Cup 2024 on the plaintiff's platforms, including Disney+ Hotstar and Star Channels, along with other sporting events for which they hold exclusive rights.

7. Defendants no.1 to 9 and defendants no.24 to 68 (hereinafter "rogue websites") are third-party websites that are engaged in the business of offering betting and gambling services in violation of the Public Gambling Act, 1867. In furtherance of their illicit activities, these websites are also engaging in unauthorized streaming of live sporting events.

8. Defendants no.10 to 11 are Domain Name Registrars ('DNRs') of the domain names where the said rogue websites are being hosted.

9. Defendants no.12 to 20 are various internet service providers ('ISPs') and telecom service providers ('TSPs').

10. Defendants no.21 and 22 are the Department of Telecommunications ('DoT') and Ministry of Electronics and Information Technology ('MeitY'), respectively.

11. The plaintiff has previously encountered infringement of their rights in sporting events, including the Tata Indian Premier League 2024 ('Tata IPL 2024'), by one or more defendants in the

present suit, such infringement actions included unauthorized broadcasts, highlights, clips, and repeat exhibitions of events for which the plaintiff holds exclusive television rights. A mirror website operated by defendant no.1, namely 'magicwin.biz,' was previously blocked pursuant to this order dated 2nd April 2024, in CS(COMM) 254/2024, in connection with the unauthorized dissemination of content related to the TATA Indian Premier League, 2024. Based on past experiences, the plaintiff apprehended similar violations by these websites concerning the ICC T20 World Cup 2024, given its status as one of the most popular sporting events in the world.

12. In such circumstances, in order to protect their exclusive broadcast rights, the plaintiff filed the present suit seeking relief of permanent injunction restraining the rogue websites from illegal and unauthorized dissemination and broadcast of matches and/or parts thereof of the T20 World Cup.

#### PROCEEDINGS IN THE SUIT

13. On the first date of hearing itself i.e., 30th May 2024, this Court issued summons in the present suit and granted an ex-parte ad interim injunction in favour of the plaintiff and restrained the defendants no.1 to 9 from infringing the plaintiff's exclusive rights, copyrights, and broadcast reproduction rights by communicating, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by the public on payment of charge, and/or making available for viewing the plaintiff's content through unauthorized apps, websites, and platforms. Further, the court directed the defendants no.10 and 11 to disclose the complete details of the defendants no.1 to 9 and defendants no.12 to 20 were directed to block the websites of defendants no.1 to 9 and defendants no.21 and 22 were directed to issue necessary directions to all ISPs and TSPs for blocking/ removing access to these websites.

14. During the course of the suit, the plaintiff identified additional rogue websites, defendants no.24 to 68 indulging in similar illegal and infringing activities as the original defendants. Consequently, the plaintiff filed an application being I.A. 34329/2024 under Order I Rule 10 of the Code of Civil Procedure, 1908 ('CPC'), seeking impleadment of the proposed defendants no.24 to 68. Vide order dated 19th July 2024 passed by the Joint Registrar, the aforesaid application was allowed, and the proposed defendants no.24 to 68 were impleaded as defendants in the present suit and the plaintiff were directed to serve the defendants through email only.

15. In the order passed by the Joint Registrar on 25 th October, 2024, it was noted that defendant no.10 had complied with the directions passed by this Court and a compliance affidavit dated 10th July 2024 was filed on behalf of defendant no.10. Further, defendants no.1 to 9 and 11 to 22 were duly served.

16. In the order passed by the Joint Registrar on 10th December, 2024, it was noted that the defendants no.24 to 68 were duly served on 5th October 2024. Further, it was noted that written statement has not been filed on behalf of the defendants no.1 to 22 and the maximum permissible period to file their written statement has expired. Accordingly, the right of defendants no.1 to 22 to file their written statement was closed.

17. In the order passed by the Joint Registrar on 10th December, 2024, it was noted that the written statement has not been filed on behalf of the defendants no.24 to 68 and the maximum permissible period to file their written statement has expired. Accordingly, the right of defendants no.24 to 68 to file their written statement was closed.

18. With regard to the rogue websites, the plaintiff has filed affidavits stating that the plaintiff has notified the ISPs, DoT and MeitY for the blocking of the rogue websites via email.

## ANALYSIS

19. I have heard the counsel for the plaintiff and gone through the record of the case.

20. The plaint has been duly verified and is also supported by the affidavit of the plaintiff. In view of the fact that no written statement has been filed on behalf of the defendants, all the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed on behalf of the defendants in respect of the documents filed with the plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules 2018, the same are deemed to have been admitted. Therefore, in my opinion, this suit does not merit trial, and the suit is capable of being decreed in terms of Order VIII Rule 10 of CPC.

21. Based on the averments made in the plaint, it is clear that the defendants are offering betting/gambling services actively on their rogue websites, and knowingly, distributing and making available the plaintiff's content on their Rogue Websites with the common object of exploiting the plaintiff's exclusive content and infringing the plaintiff's copyright and broadcasting rights. Further, the defendants are habitual offenders who carry out their infringing activities by creating mirror websites to bypass the orders passed by the Courts.

22. The defendants' activities have caused irreparable harm to the plaintiff as these Rogue Websites not only violate and infringe the exclusive rights of the plaintiff in ICC T20 World Cup 2024 but also erode and dilute the value of the exclusive rights by taking away significant revenues from the plaintiff.

23. Since the defendants have failed to take any requisite steps to contest the present suit, despite having suffered an ad interim injunction order, it is evident that they have no defence to put forth on merits.

24. Since the event in respect of which present suit was filed is already over, counsel for the plaintiff only presses for relief of permanent injunction against defendants no.1 to 9 and defendants no.24 to 68. Accordingly, the plaintiff is entitled to the relief claimed in the plaint. RELIEF

25. Accordingly, a decree of permanent injunction is passed in favour of the plaintiff and against the defendants no.1 to 9 and defendants no.24 to 68 in terms of prayer clause 53 (i) of the plaint.

26. Counsel for the plaintiff does not press for remaining reliefs claimed in the plaint.

27. Let the decree sheet be drawn up.

28. All pending applications stand disposed of.

AMIT BANSAL, J APRIL 2, 2025 kd