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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS (COMM) 703/2021 & I.As.17439/2021, 3676/2022**

ANI MEDIA PVT. LTD.

..... Plaintiff

Through: Mr. Sidhant Kumar and Ms. Manyaa
Chandhok, Advocates.

versus

VINAY G DAVID & ORS.

..... Defendants

Through: Mr. Neel Mason, Mr. Vihar Dang,
Mr. Siddharth Vardhman and
Ms. Devangiri Rai, Advocates for
D-4.
Mr. Mukul Rohatgi, Sr. Advocate
with Mr. Tejas Karia, Mr. Ajit
Warrier, Mr. Gauhar Mirza, Mr.
Varun Pathak, Ms. Ameer Rana, Mr.
Thejesh R. & Mr. Sheniza Farid,
Advocates for D-5.

CORAM:

JUSTICE PRATHIBA M. SINGH


ORDER

% **15.03.2022**

1. This hearing has been done through hybrid mode.
2. The present suit has been filed by the Plaintiff seeking protection of the registered trademark - 'ANI' which was adopted by the Plaintiff in the year 1971. The Plaintiff is ANI Media Pvt. Ltd. The Defendants who are arrayed in the present suit are Defendant No.1-Mr. Vinay G. David and Defendant No.2-Mr. Sanjay Halder. Defendant No.3-PDR Ltd. is the Registrar of the domain name - www.aninewsindia.com. Defendant No.4 -

Google LLC is the search engine and Defendant No.5 - Meta Platforms Inc. is the social media platform i.e., formally known as Facebook Inc. where the Defendant Nos. 1 and 2 have used the mark 'ANI' in their respective accounts.

3. The case of the Plaintiff is that it is a well-established multimedia news agency offering syndicated news feed with over 100 news bureaus in India, South Asia and across the globe under the name of 'Asia News International' and 'ANI'. The Plaintiff's case is that it is the prior adopter, user and registered owner of the ANI marks in India since at least 2003. To this end, the Plaintiff also states that it has been operating in the said business for over five decades since the year 1971. The international news agency Reuters is also stated to be a significant shareholder and business

affiliate of the Plaintiff. Moreover, 'ANI',  are also registered trademarks of the Plaintiff in various classes such as Class 16 and Class 38, as has been detailed in paragraph 2 of the plaint. The Plaintiff's mark ANI is also an integral part of the Plaintiff's registered domain names www.aniin.com and www.aninews.in since 1999 and 2010 and have been used uninterruptedly since then. The Plaintiff is also stated to have a vast digital presence with more than 6.3 million followers on its Twitter account.

4. The Plaintiff's right in the mark 'ANI' is clearly established due to the prior adoption and registration by the Plaintiff. Defendant Nos.1 and 2 seek to use the same identical mark in respect of news and media related services.

5. The Defendant launched a website by the name www.aninewsindia.com representing themselves as 'ANINEWSINDIA'. The said website is a news related website. The Defendants were thus using

ANI not merely as a mark but also as a domain name/website. This Court vide order dated 12th January, 2022 restrained Defendant Nos.1 and 2 from using the Plaintiff's mark on the domain name and website as also on the Defendants' Facebook/social media profiles. Defendant No.3 was also directed to block the domain name 'www.aninewsindia.com' till further orders. Defendant No.4 was directed to de-index the website. Defendant No.5 had submitted that they had not received the paper book and the Court had directed the same to be supplied to Defendant No.5. The relevant portion of the said order dated 12th January, 2022 is as under:

“13. In the circumstances, it is directed as follows:

(a) the Defendant Nos. 1 and 2 its partners or proprietors, officers, servants, agents and all persons acting by, through or under them from using or infringing or passing off, a mark which is identical or deceptively similar to the registered



trademarks of the Plaintiff, in any manner whatsoever, till the final adjudication of the captioned Suit;

(b) the Defendant Nos. 1 and 2 its partners or proprietors, officers, servants, agents and all persons acting by, through or under them from using the Impugned Domain Name www.aninewsindia.com, in any manner whatsoever, till the final adjudication of the captioned Suit;

(c) the Defendant Nos. 1 and 2 from restrained from publishing or using in any manner any copyrighted content published by the Plaintiff on its registered domain names www.aninews.in, till the final adjudication of the captioned Suit;

(d) Defendant No. 3 is to block the use of the Impugned Domain Name www.aninewsindia.com granted to Defendant No.2 till the final adjudication of the captioned Suit; and

(e) Defendant No.4 to immediately de-index, take-down, block and disable access to the website run by Defendant No.s 1 and 2 under the Impugned Domain Name www.aninewsindia.com.

14. The defendants No.1 and 2 are also restrained from using plaintiff's mark on their Facebook/social media profiles;

15. Further defendant No.3 is directed to block the user domain name www.aninewsindia.com granted to defendant No.2 till further orders and defendant No.4 are directed to de-index the website i.e. www.aninewsindia.com from its search engine.

16. Since learned counsel for the defendant No.5 submits that he has not received the paper book. Be supplied.

17. In the circumstances, prayer (f) of IA No.17439/2021 under Order 39 Rule 1 and 2 CPC shall be adjudicated on the next date."

6. Insofar as Defendant No.5 is concerned, the Facebook profile of Defendant No.1 shows that he describes himself as Vinay G. David and uses the title 'ANI NEWS INDIA editor, www.aninewsindia.com, State President (MP), All India Small NewsPaper Association'.

7. A perusal of the documents filed on record along with the plaint and the application under Order XXXIX Rule 2A CPC leaves no manner of doubt in the mind of the Court that Defendant Nos.1 and 2 intend to misuse the Plaintiff's mark 'ANI'. The services being offered by Defendant Nos.1 and 2 are also identical i.e., news related services. Thus, the Plaintiff's rights

would be severely affected apart from the fact that internet users could be deceived into believing that Defendant Nos.1 and 2, their various platforms, including the website and the social media platform, are connected and or affiliated with the Plaintiff.

8. This Court also notes that Defendant Nos.1 and 2 have chosen not to appear despite having been served in the present suit pursuant to orders dated 24th December, 2021, 12th January 2022, and 7th March, 2022, through email, WhatsApp, courier and speed post. Accordingly, the said Defendant Nos.1 and 2 are proceeded *ex parte*. Defendant No.3 - as per the Id. Counsel for the Plaintiff, Mr. Sidhant Kumar - is stated to have blocked the use of the domain name. Defendant No.4 - Google LLC has also already de-indexed the website.

9. Mr. Mukul Rohatgi, Id. Senior Counsel under instructions from Mr. Karia, Id. Counsel appearing for Defendant No.5 submits that the two Facebook pages which are objectionable in terms of the paragraph 2 of the order dated 16th February, 2022, relating to 'www.aninewsindia.com' and 'www.facebook.com/aninewsindia1', have already been pulled down. However, Defendant No.1's personal Facebook page which describes himself as the Editor of 'aninewsindia' is still operating. In view of the fact that Defendant Nos.1 and 2 have chosen not to appear before the Court, Defendant No.5- Meta Platforms Inc. is directed to deactivate and suspend the Facebook page of Mr. Vinay G. David within a period of 36 hours from the passing of this order. If Defendant No.1 wishes that his Facebook page be reactivated, he is permitted to approach the Court by way of an application.

10. The Plaintiff does not pray for rendition of accounts and damages in the present suit. Accordingly, Defendant Nos.1 and 2 who are proceeded *ex parte* today are permanently enjoined from using the mark 'ANI' or any other derivatives including the logo form of 'ANI' as depicted in the plaint and in this order, either with or without the word 'news' and 'India' as 'aninewsindia', 'aninews' or in any other manner whatsoever including on the internet or any other social media platform including Instagram and Facebook, including the domain name containing the word 'ANI'. The URL which is to be pulled down is as under:

<https://www.facebook.com/vinaygdavid>

11. The suit is decreed in terms of the prayer clause (a), (b), (c), (e), (f), (g) and (h). At this stage, the relief of damages is not being prayed for by the Plaintiff. However, if the Defendant enters appearance and wishes to seek any relief from this Court at that stage, the Plaintiff is permitted to renew the prayer for damages.

12. Since **I.A. 3676/2022** is an application under Order XXXIX Rule 2A CPC, the present order shall be served upon Defendant Nos.1 and 2 through SHO of the concerned area in Madhya Pradesh. The Plaintiff to follow up on the same. The I. A. is disposed of.

13. Since Defendant No.4- Google LLC has already de-indexed the Defendant's website from the search engine, the said status shall be maintained.

14. In these terms, the suit is decreed as per prayer clause (a), (b), (c), (e), (f), (g) and (h) and all pending applications are disposed of. Decree sheet be drawn.

15. The present order be uploaded forthwith. *Dasti*.

16. Copy of this order be supplied to the SHO, of the concerned area in Madhya Pradesh.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH, J.

MARCH 15, 2022

Rahul/MS