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

+ **CS(COMM) 353/2021**

STAR INDIA PVT LTD & ANR. Plaintiffs

Through: Mr. Angad S. Makkar and Mr.
Yatinder Garg, Advs.

versus

YODESISERIAL.SU & ORS Defendants

Through: Mr. Apoorv Kurup, Mr.
Kirtedhadicha and Mr. Shivansh, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

04.10.2023

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CS(COMM) 353/2021

1. The plaintiffs are producers of various television shows, films and web series, broadcasted on their channels as well as on the Disney plus Hotstar platform, which is stated to be owned and operated by Plaintiff No. 2. The present plaint asserts copyright, of the plaintiff, in respect of the following contents/films/shows:

S. No.	Name of the Show
1.	Yeh Rishta Kya Kehlata Hai
2.	Ghum Hai Kisi Ke Pyaar Mein
3.	Anupamaa
4.	Yeh Hai Chahatein
5.	Imlie
6.	Saath Nibhaana Saathiya 2
7.	Aapki Nazron Ne Samjha
8.	Pandya Store



9.	Mehndi Hai Rachne Waali
10.	Zindagi Mere Ghar Aana
11.	Yeh Rishtey Hain Pyaar Ke
12.	Ek Hazaroon Mein Meri Behna Hai
13.	Lakshmi Ghar Aayi
14.	Mann Ki Awaaz Pratigya 2
15.	RadhaKrishn - Punar Milan
16.	City of Dreams (2 Seasons - Second season coming out on July 30)
17.	Grahan
18.	November Story
19.	Ok Computer
20.	1232 Kms
21.	Live Telecast
22.	Triples
23.	Hundred
24.	Special Ops
25.	Roar of the Lion
26.	1962: War in the Hills

2. The plaintiffs have also placed on record the agreements whereunder the plaintiffs produced the aforesaid shows/films and became the first owner of copyright therein, and has also filed a tabular statement referring to the relevant paragraphs of the said agreements. These agreements indicate that, as the producers of the aforesaid shows, the plaintiffs are the first owner and copyright holder therein, within the meaning of Section 14(d) of the Copyright Act, 1957.

3. *Prima facie*, therefore, exclusive rights to stream or telecast the content contained in the aforesaid 26 items vests in the plaintiffs, to the exclusion of others.

4. For this purpose, the plaintiffs have also relied on Sections 37 and 51 of the Copyright Act.



5. Defendant Nos. 1 to 48, initially impleaded are, according to the plaint, rogue websites, engaged in the business of piracy of copyrighted content on the internet. The plaint has placed, on record, from pages 234 to 1004, material to indicate that the defendants' websites are engaging in piracy of the content over which the plaintiffs holds copyright.

6. In such circumstances, submitted the plaintiffs, the Division Bench of this Court has, in *Department of Electronics & Information Technology v. Star India Pvt. Ltd.*¹ and a learned Single Judge of this Court has, in *UTV Software Communication Ltd. v. Torrentmovies.Co*², approved/taking down of the rogue websites.

7. The materials placed on record from pages 234 to 1004 of the documents filed with the plaint, do make out a case of the defendants engaging in rampant piracy of copyrighted content, thereby satisfying the concept of "rogue websites" as envisaged by this Court in the aforesaid two decisions in *UTV Software Communication Ltd*². and *Department of Electronics & Information Technology*¹.

8. Defendant No. 49 is the domain name registrar of Defendant No. 48. Defendant Nos. 50 to 58 are internet and telecom service providers (ISPs), providing internet and telecom services to the public. They control the gateways which enable access to the defendants'

¹ 1 2016 SCC OnLine Del 4160

² 2019 SCC OnLine Del 8002



websites. Defendant Nos. 59 and 60 are the Department of Telecommunications and the Ministry of Electronics and Information Technology, which ensure compliance with court orders of injunction.

9. The plaintiffs have also placed on record orders passed in other cases, where injunctions had been granted.

10. In view of the aforesaid submissions, this Court had, on 9 August 2021, issued summons in the present suit, calling for a written statement from the defendants. Additionally, an *ad interim* order was passed in the following terms:

(i) Defendant Nos. 1 to 48, as well as their owners, partners, proprietors, officers, servants, affiliates, employees and all others in capacity of principal or agent, acting on their behalf were restrained from communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting or making available for viewing the aforesaid 26 works of the plaintiffs enumerated in para 1 *supra*.

(ii) Defendant No. 49 was directed to forthwith suspend the domain name registration of Defendant No. 48.

(iii) Defendant No. 49 was directed to disclose the identity, address and billing details of the registrant of the domain of Defendant No. 48 (ghumhaikisikepyaarmein.com).



(iv) Defendant Nos. 50 to 58 were directed, forthwith, to block access to the domains enumerated in Serial No.1 of the document accompanying the plaint.

(v) Defendant Nos. 59 and 60 were directed to instruct the Internet and Telecom Service Providers registered under the said defendants to block access to the various domains identified by the plaintiffs at Serial No. 1 of the documents annexed to the plaint.

(vi) The aforesaid directions were also extended to any websites or domain names which were merely alphanumeric/redirects/mirror variations of the aforesaid infringing domain names of Defendant Nos. 1 to 48.

(vii) Defendant Nos. 50 to 60 were directed to ensure compliance with the aforesaid directions within 48 hours of service on them by the plaintiffs of a copy of the order passed today by e-mail.

11. Subsequently, several other platforms/defendants, which were unauthorisedly broadcasting content in which the plaintiffs have copyright, surfaced, and, on applications being filed by the plaintiffs, were permitted to be impleaded as Defendants 62 to 352. The interim directions contained in para 15 of the order dated 9 August 2021 were extended to the said defendants *vide* orders dated 29 November 2021, 21 January 2022, 10 March 2022 and 28 July 2022.



12. As no written statement was filed by any of the said defendants 1 to 276 and 277 to 352, their right to file written statement was struck off by orders dated 28 July 2022 and 18 August 2023.

13. None of the said defendants are represented today either.

14. The defendants being rouge entities, who are involved only in the business of unauthorised broadcasting of television shows, films and web series in which others hold copyright, it is but natural that they have not chosen to appear before the Court. This is not a singular phenomenon. It is observed by this Court in several matters where such rouge websites surface, that they do not turn up to contest the suit. Their prevailing philosophy appears to be to make hay while the sun shines.

15. In view of the aforesaid, the assertions in the plaint *vis-à-vis* the said defendants are deemed to be admitted. No purpose would be served in keeping this suit pending. In my considered opinion, the suit merits being decreed under Order VIII Rule 10 of the Code of Civil Procedure, 1908 (CPC).

16. The suit is decreed in the following terms:

- (i) As Defendants 49 to 61 have already complied with the interlocutory directions passed by this Court in para 15 of the order dated 9 August 2021, no further directions are required to



be issued to them, save and except to obligate them to retain the *status quo* in respect of the aforesaid websites.

(ii) There shall be a decree of permanent injunction restraining Defendants 1 to 48 and 62 to 352, as well as all others acting on their behalf from, in any manner, communicating, hosting, streaming or making available for viewing and downloading, without authorization, on websites or any other platforms, including social media handles, through the internet or in any other manner whatsoever, content in which the plaintiff holds copyright.

17. Mr. Angad does not press for costs or damages. As such, the suit stands decreed in the aforesaid terms.

18. Let a decree sheet be drawn up accordingly.

C.HARI SHANKAR, J

OCTOBER 4, 2023

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