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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 7th July, 2023
 + **CS (COMM) 81/2020 and I.A. 2393/2020, 17615/2021**
TATA SKY LIMITED Plaintiff
 Through: Mr Tanmaya Mehta, Advocate. (M:
 9999255931)
 versus
LINKEDIN CORPORATION AND ORS. Defendants
 Through: Mr. Sanjay Kumar, Mr. Abhishek
 Kumar Singh, Mr. Saurabh Kumar &
 Ms. Rose Maria Sebi, Advs. for D-1.
 (M: 9861412371)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present suit has been filed by the Plaintiff-Tata Play Limited seeking a decree of permanent injunction restraining the Defendants from allowing any user on their platform from using the Plaintiff's trademark 'TATA SKY'.
3. Firstly, it has been averred by the Plaintiff that numerous individuals who are not employees of the Plaintiff have created profiles on the platform of Defendant No. 1-LinkedIn, falsely indicating themselves to be employees of the Plaintiff. Secondly, the Plaintiff avers that certain Defendants are unlawfully using the name 'TATA SKY' in their profile descriptions on the platform without any authorization, license, or permission from the plaintiff.
4. Specifically, the Plaintiff avers that Defendant Nos. 7 and 44, despite not being official retail sellers of the Plaintiff's product, they have portrayed themselves as retailers of the plaintiff on their profiles.



5. The Court had, vide order dated 26th April, 2023, directed that the Plaintiff is free to approach the Grievance Officer of the Defendant No. 1 giving the list of all fake profiles so that the appropriate action may be taken.

6. Vide order dated 26th April 2023 it was directed as follows:

“4. Mr. Tanmaya Mehta, counsel for Tata Sky, states that the above grievance is recurring and thus, the Court should consider putting a mechanism in place so that Tata Sky is not burdened to file a fresh suit/ application each time fake profiles emerge or re-surface on LinkedIn. Mr. Mehta suggests issuance of a dynamic injunction. Mr. Abhishek Singh, counsel for LinkedIn relies upon the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (further amended vide notification dated 28th October, 2022) and states that Grievance Officer(s) of LinkedIn are in place. He further states that a Grievance Appellate Committee is also available for adjudication of appeals arising from the decision of the Grievance Officer. Thus, Plaintiff presently has the legal remedy for redressal of their grievance.

5. Mr. Mehta, on instructions, states that after the injunction order, several more fake/ infringing profiles have cropped up on LinkedIn, which create unauthorized association with Tata Sky by using their registered trademark(s).

6. In view of the above, it is considered appropriate to direct Tata Sky to approach the Grievance Officer of Defendant No. 1 giving a list of such fake/ infringing profiles so that an action can be taken by Defendant No. 1, in terms of the extant rules/ notifications noted above.

7. Disposed of.”

7. It is submitted by ld. Counsel for the parties that the Plaintiff had approached the Grievance Officer and requisite action has been taken.

8. Ld. Counsel for the Plaintiff submits that a dynamic injunction ought to be granted in this case. Clearly the proliferation of various fake profiles



would make it extremely difficult to the Plaintiff to approach the Court on every occasion. Thus, in order to dispose of the suit with an effective framework in place for the Plaintiff the following directions are issued:

- (1) Defendant No. 1-LinkedIn shall place on record the details of the Grievance Officers and the Rules applicable to persons creating LinkedIn profiles, as per LinkedIn's own policy.
 - (2) In addition, LinkedIn shall also place on record the SoP, if any, followed by the Grievance Officers whenever a grievance is received under Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ('2021 Rules').
 - (3) If the Plaintiff has any outstanding issue or suggestions in respect of manner in which the grievances are addressed by the Defendant No. 1-LinkedIn, the Plaintiff may also place its own note on record.
 - (4) In addition, it is made clear that the details of the Grievance Officers in terms of 2021 Rules including the physical and email address shall be published openly for the public access on the website of LinkedIn.
9. The cause list would reflect the name of the Plaintiff as **Tata Play Limited** as the name change had already been approved by this Court vide order dated 18th August, 2023.
10. **I.A.17615/2021** is disposed of as the reply has already come on record.
11. List on 28th November, 2023.

PRATHIBA M. SINGH
JUDGE

JULY 7, 2023/dk/dn