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

+ CS(COMM)519/2020 & I.A. 10966/2020

SONY PICTURES NETWORK INDIA PRIVATE LIMITED

..... Plaintiff

Through Mr. Abhishek Malhotra, Adv.

versus

WWW.B1.MYLIVECRICKET.BIZAND ORS

..... Defendants

Through Mr. Tushar Bhardwaj, Adv. for D-140.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **24.11.2020**

[Physical Court Hearing]

I.A. 10968/2020

1. Allowed, subject to plaintiff filing the original documents as and when required by the Court.

I.A. 10967/2020

2. This is an application filed by the plaintiff to seek extension of time to deposit the Court fee.

3. The plaintiff is granted one week to deposit the Court fee.

4. The Registry will render a report in this behalf on the next date of hearing.

5. The application is, accordingly, disposed of.

CS(COMM)519/2020 & I.A. 10966/2020

6. The plaintiff claims to be in the business of broadcasting *inter alia*

entertainment shows and sports events.

7. The plaintiff avers that it has secured exclusive media rights in the forthcoming India Australia International Cricket Series, 2020 (for short 'Cricket Series') which is scheduled to take place in Australia between 27 November 2019 and 19 January 2021.

8. The cricket series requires the participating teams to play: (4) test matches, three (3) One Day International Matches, and three (3) T20 International Matches (hereafter collectively referred to as "Matches"). It is also claimed by the plaintiff that it, *inter alia*, operates through various channels which are collectively referred to as "SONY TEN Network Channels".

8.1 It is stated that the SONY TEN NETWORK channels, *inter alia*, include the following:

"SONY TEN 1, SONY TEN 1 HD, SONY TEN 2, SONY TEN 3, SONY TEN 2 HD, SONY TEN 3 HD, SONY ESPN, SONY ESPN HD, SONY SIX, SONY SIX HD, SONY TEN Golf HD."

9. According to the plaintiff, the aforementioned SONY TEN Network Channels operate in various countries and territories including India, Nepal, Bangladesh, Sri Lanka, Maldives, Singapore, Hong Kong, Middle East and the Caribbean.

10. Furthermore, the plaintiff claims that it has exclusive license to broadcast and transmit the Cricket Series qua the following countries: India Pakistan, Bangladesh, Sri Lanka, Bhutan, Burma and Nepal.

10.1. Besides this, the plaintiff claims that it has non-exclusive license for Afghanistan.

11. Based on past infractions, the plaintiff apprehends that its exclusive media rights which include its right to sub-license, are likely to be violated by rogue websites which are arrayed as defendant nos.1 to 53.

12. The plaintiff, thus, seeks interim directions not only qua defendant nos.1 to 53 but also *vis a vis* defendant nos.54 to 138 i.e. Multi System Operators (MSOs) and the Local Cable Operators (LCOs).

13. To secure enforcement of orders, if any passed by this Court, the plaintiff has also arrayed Internet Service Providers (ISPs) and Telecom Service Providers (TSPs) as defendants to the instant action. ISPs and TSPs are, thus, arrayed as defendant nos.139 to 175.

14. In addition thereto, the plaintiff has also arrayed the Union of India through Ministry of Telecom Information Technology as defendant no.176 and the Department of Telecommunication as defendant no.177.

15. Mr. Malhotra has also relied upon earlier orders passed by this Court which were passed in somewhat similar circumstances. These orders are appended on pages 16 to 74 of the documents folder.

16. Upon hearing submissions advanced by Mr. Malhotra and on perusal of the documents, I am inclined to issue summons in the suit and notice in the captioned application via all means including email.

17. Mr. Tushar accepts service on behalf of defendant no.140 i.e. Reliance Jio Infocomm Pvt. Ltd.

18. On steps being taken, service will be effected on the remaining defendants.

19. Furthermore, defendant nos.1 to 53 are restrained from broadcasting, telecasting to subscribers or otherwise through any means whatsoever the footage concerning the Matches, their clips, audios and videos whether wholly or in part including live-score updates, play-by-play and/or textual commentary via their websites, applications and/or any other digital platforms such as mobile, internet and radio delivery.

20. To ensure enforcement of the aforementioned direction the ISPs (i.e. defendant nos. 139 to 175) in turn are directed to block and/or suspend the websites of defendant nos.1 to 53 in case they are found to be indulging in unauthorized broadcast/ transmission, in any manner, the Matches which are the subject matter of the Cricket Series.

21. This apart, defendant nos.54 to 138 (i.e. MSOs and LCOs) shall also ensure that the directions issued qua defendant nos.1 to 53 are adhered to.

22. In other words, these defendants shall also not broadcast/transmit any content concerning the Matches which are the subject matter of the Cricket Series without a license being issued by the plaintiff in that behalf.

23. The aforementioned injunction order shall also be applicable to mirror/re-direct/alphanumeric websites created by defendant nos.1 to 53.

24. The injunction shall also apply to any other persons to whom access is granted by defendant nos.1 to 53.
25. Liberty is given to the plaintiff to approach this Court in case other rogue websites crop up which are not covered by the instant suit.
26. The plaintiff will comply with the provisions of Order 39 Rule 3 of the CPC within seven days from today.
27. List the matter before Joint Registrar (Judicial) on 10.12.2020 for competition of service and pleadings.
28. List the matter before Court on 10.02.2021.
29. The parties will act on the digitally signed order passed today.

RAJIV SHAKDHER, J

NOVEMBER 24, 2020

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[Click here to check corrigendum](#)