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

Date of Decision: 21st July, 2022

+ **CS (COMM) 136/2021 & I.A. 4468/2021**

NOVI DIGITAL ENTERTAINMENT PVT. LTD. Plaintiff

Through: Ms. Subhoshree and Mr. Yatinder
Garg, Advocates. (M:8447920821)

versus

W1.123MOVIES11.COM & ORS. Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh(Oral)

1. The present suit has been filed by the Plaintiff - Novi Digital Entertainment Pvt. Ltd., which operates the online video streaming platform www.hotstar.com as well as the mobile application 'Disney+ Hotstar'. Both these platforms enable viewers to watch various television serials and programs, films, sport content including live sports content, and other content. As per the Plaintiff, it offers 80,000 hours of copyrighted content comprising of dramas and movies in 8 languages including every major sporting event covered live/ deferred.

2. The present suit relates to the cinematograph film 'The Big Bull' (*Hereinafter "the film"*), of which the Plaintiff has exclusive digital and theatrical rights. The said movie relates to the biographical crime plot of stock broker Harshad Mehta and the stock market scam in 1992.

3. As per the letter dated 19th March 2021 by Ajay Devgn Ffilms LLP it was confirmed that it had been exclusively assigned certain media rights,

including the right to sub-license such rights to third parties, in relation to the film by Ajay Devgn Film who was the producer of the film. Thus, the first owner of the copyright u/s 17 of the Copyright Act, 1957, Ajay Devgn Ffilms LLP accordingly exclusively assigned the digital (internet, on demand) rights, theatrical rights and ancillary rights to the plaintiff vide agreement dated 25th June, 2020. The film was slated for theatrical release on 8th April, 2021. In order to protect against the illegal and unauthorized communication of the film, the present suit was filed on 22nd March 2021 seeking an injunction blocking various rogue websites. Accordingly, rogue websites are impleaded as Defendant Nos.1 to 29. The Defendant No.30 is the domain name registrar GoDaddy.com LLC. Defendant Nos.31 to 39 are the ISPs and the Defendant Nos.40 & 41 are Department of Telecommunications (DoT) and Ministry of Electronics and Information Technology (MeitY) respectively. Vide **I.A. 4468/2021** interim orders were sought for blocking of the rogue websites as also blocking of the domain names/websites, which were apprehended to unauthorisedly telecast the film.

4. This Court, on 24th March, 2021, after considering the matter had granted an *ex-parte ad interim* injunction as per prayer clause (i), (ii) & (iii) of the injunction application **I.A. 4468/2021**. In addition, the following directions were issued:

“12. Till the next date of hearing, there shall be an ex parte ad interim order in terms of prayers (i), (ii) and (iii).

13. Following similar directions which were issued by a coordinate Bench of this Court, vide order dated 3rd November, 2020 in CS(COMM) 485/2020 (Star India Pvt. Ltd. v. Afilmywap.top), Defendant Nos. 40 and 41 (Department of Telecommunications and

Ministry of Electronics and Information Technology respectively), are also called upon to issue appropriate directions to various internet service providers, including Defendant Nos. 31 to 39, to block access to the websites of Defendant Nos. 1 to 29, as also mirror/re-directed/alpha-numeric websites of the said defendants.”

5. Subsequently, Defendant No.30- GoDaddy.com LLC submitted on 6th April, 2021 that the order dated 24th March, 2021 had been complied with and the domain names of the rogue websites had been suspended. Thus, Defendant No. 30 was deleted from the array of parties. The film was theatrically exhibited on 8th April 2021.

6. None of the Defendants i.e., the rogue websites have entered the appearance. The film has already been theatrically exhibited. No written statement has been filed. On 30th May 2022 the Id. Joint Registrar held that:

“All defendants have been served prior to 28.02.2022. Till date, neither written statement nor reply to the interim application have been filed. Accordingly, right to file written statement /reply to interim application of defendants stands closed in terms of orders passed by the Hon'ble Apex Court in Suo Moto Writ Petition (civil) 3/2020.”

7. Considering the nature of the present suit that was intended to protect the Plaintiff's investment in the film 'The Big Bull' and to ensure that no unauthorised online telecast of the film takes place, the suit has served its purpose. All the rogue websites have been blocked and domain names have also been de-activated. GoDaddy.com LLC has already blocked the access of the Defendant Nos.1 & 2 i.e. w1.123movies11.com and lodynet.shofda.com. The other rogue websites have been blocked by the order given by DoT and

MeitY through ISPs vide notifications issued vide letter dated 08.04.2021 in terms of this court's order dated 24.03.2021.

8. Under these circumstances, the suit is liable to be decreed. Accordingly, the suit is decreed in terms of paragraph 61(i) to 61(iv) of the plaint. No other reliefs are pressed for. Decree sheet be drawn accordingly.

9. All pending applications are disposed of.

**PRATHIBA M. SINGH
JUDGE**

JULY 21, 2022/dk/sk



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