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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 117/2024**

UNIVERSAL CITY STUDIOS LLC & ORS Plaintiffs

Through: Mr. Saikrishna Rajagopal, Ms. Suhasini Raina, Ms. Ramya Ramkumar and Mr. Mehr Sidhur, Advocates.

versus

FZKIDD.NET & ORS. Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
07.02.2024

I.A. 2908/2024 (seeking exemption from filing certified/ clearer/ proper/ translated copies of documents with proper margins)

1. Exemption is granted, subject to all just exceptions.
2. The Plaintiffs shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

I.A. 2909/2024 (u/Section 80 r/w Section 151 of the Code of Civil Procedure, 1908, seeking exemption from issuing notice to Defendant Nos. 38 and 39)

4. Issue notice to Defendants No. 38 and 39, by all permissible modes, upon filing of process fee, returnable on 10th July, 2024.
5. Reply, if any, be filed before the next date of hearing.



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6. Let the plaint be registered as a suit.
7. Upon filing of process fee, issue summons to the Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.
8. Liberty is given to the Plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
9. List before the Joint Registrar for marking of exhibits on 16th April, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
10. List before Court for framing of issues thereafter.

I.A. 2907/2024 (u/Order XXXIX Rule 1 & 2 r/w Section 151 of the Code of Civil Procedure, 1908, restraining infringement of copyright)

11. Mr. Saikrishna Rajagopal, counsel for Plaintiffs, seeks an *ex-parte* ad-interim injunction against streaming of Plaintiffs' original content/ work on rogue websites impleaded as Defendants No. 1 to 28, which is protected under the Copyright Act, 1957. He presents the Plaintiffs' case as follows:
 - 11.1. The Plaintiffs namely, Universal City Studios LLC, Warner Bros.



Entertainment Inc., Columbia Pictures Industries, Inc., Netflix Studios, LLC, Paramount Pictures Corporation, and Disney Enterprises, Inc., are amongst the world's leading entertainment companies, engaged in the production and distribution of motion pictures/ cinematograph films. They are the first author/ owner of these works and assert copyright protection therein.

11.2. There is a proliferation of a large number of online platforms enabling circulation of unauthorized, unlicensed and pirated content of the Plaintiffs to viewers. Defendants No. 1 to 28 are few of such rogue websites that are facilitating the streaming/ viewing of cinematograph films and audio-visual content such as, motion pictures and television programs, *inter alia* generated by the Plaintiffs, on devices connected to the internet. They permit the viewers to store the content on their personal devices, leading to largescale copying and dissemination of such content to other unauthorized and unlicensed users. The said websites act as directories/ indexes of hyperlinks that redirect the end-user to the host site, where the content can be streamed or downloaded from a cloud storage site. Defendants No. 1, 2, 5, 6, 8, 9, 19, 11, 13, 17 and 25 even provide a refined search option to the user, where they can select the content on basis of the type, quality, genre, year of release etc. The operators of these websites employ techniques to mask their identities or provide incorrect details for the purpose of domain name registrations. For a ready reference, a list of impugned websites is attached to the present order as Annexure A.

11.3. Plaintiffs' legal notices to takedown the infringing content from the websites have been futile. Defendants No. 1 to 28 are thus knowingly engaging in the impugned activities, in utter disregard of the Plaintiffs' rights. In addition to enabling the hosting, uploading, steaming, reproducing,



downloading etc. of Plaintiffs' works, Defendants No. 1 to 28 also offer hacks to users to circumvent detection or blocking orders. For instance, they recommend users to use VPN to stream the pirated content. Access to several of the Defendant-websites has been blocked across jurisdictions, including, Australia, England and Wales.

11.4. The above-noted assertions are further supported by the findings of a Private Investigator employed by the Plaintiffs. The Investigator has, through an extensive investigation, identified the major 'brands' of websites that provide pirated content and the various guises/ names under which the sites operate. Per the Investigator's report, if the websites are blocked/ taken down under a court order, the operators of such websites create mirroring websites, under the same name so as to draw traffic. For instance, one "ofilmyzilla.agency" which was ordered to be blocked by this Court *vide* judgment dated 31st August, 2021 in CS(COMM) 401/2022,¹ resembles Defendant No. 2 herein ["ofillyzilla.com.ms"]. A similar pattern has been noted in Defendants No. 1, 3 and 9.

11.5. The Plaintiffs have devoted enormous resources in the creation, production, distribution, marketing and advertising of their content. The act of copying Plaintiffs' original content and storing it on any media, and communicating the same to the public without Plaintiffs' assent amounts to infringement of the Plaintiffs' copyright by Defendants No. 1 to 28 in terms of Section 51(a)(i) and (ii) and Section 51(b) of the Copyright Act. In support of the above, reliance is placed on the judgments of this Court in ***UTV Software Communication Ltd. and Ors v. 1337x.to and Ors***,² and

¹ Titled ***Universal City Studios LLC v. Myflixer.to and Ors***.

² DHC Neutral Citation: 2019:DHC:2047.



Universal City Studios LLC. & Ors. v. Dotmovies.baby & Ors.³

12. The Court has considered the afore-noted and perused the screenshots of impugned websites [Defendants No. 1 to 28] which reveal that the said Defendants are, on a real-time basis, offering for viewing and download the content originally produced by the Plaintiffs, without their consent or a valid license, resulting in financial losses to them. In these circumstances, given the need to adopt stringent measures to curb online piracy, as acknowledged by this Court on several occasions, the Plaintiffs have been able to demonstrate a *prima facie* case in their favour, and in case an *ex-parte* ad-interim injunction is not granted, they will suffer an irreparable loss. Balance of convenience also lies in favour of the Plaintiffs, and against Defendants No. 1 to 28.

13. Referring to the judgment in *Universal City Studios LLC (Supra)*, Mr. Saikrishna seeks a dynamic+ injunction in the present case. He emphasizes that the directions issued by this Court in the aforesaid judgment have facilitated identification and blocking of several rogue websites hosting pirated content on just a domestic level, but also internationally. In the opinion of the Court, present is a fit case for the grant of protection to future works that may be created by the Plaintiffs. Accordingly, the following directions are issued:

13.1. The rogue websites – Defendants No. 1 to 28 (as enlisted in Annexure A to this order) are restrained from, in any manner, streaming, reproducing, distributing, making available to the public and/or communicating to the public any copyrighted content of the Plaintiffs including future works of the Plaintiffs, in which ownership of copyright is undisputed, through their

³ DHC Neutral Citation: 2023:DHC:5842.



websites identified in the present suit or any mirror/ redirect websites or alphanumeric websites, or any variations thereof including those websites which are associated with the Defendants' websites, either based on the name, branding, identity of its operator, or discovered to provide additional means of accessing the Defendants' websites, and other domains/ domain along with their sub-domains and sub-directories, owners, website operators/ entities or even sources of content.

13.2. The Plaintiffs are directed to file an application under Order I Rule 10 of the Code of Civil Procedure, 1908 ["CPC"] for impleadment of domains that are found to be mirror/ redirect websites or alphanumeric websites, or any variations thereof including those websites which are associated with the Defendants' websites either based on the name, branding, identity of its operator, or discovered to provide additional means of accessing the Defendant's website and are discovered to have been engaging in infringing the Plaintiffs' exclusive rights, with sufficient supporting evidence. Such applications shall be listed before the Joint Registrar, who, on being satisfied with the material placed on record, shall issue the appropriate directions to the ISPs and the Defendants No. 38 and 39 – Department of Telecommunications and Ministry of Electronics and Information Technology.

13.3. Defendants No. 29-37/ ISPs shall give effect to this injunction by blocking Defendants No. 1 to 28, as noted in Annexure A. Defendants No. 38 and 39 shall issue blocking orders against the websites within a period of one week from the release of the order.

13.4. The respective Domain Name Registrars of Defendants No. 1 to 28, upon being intimated by the Plaintiffs, shall lock and suspend the said



domain names. In addition, any details relating to the registrants of the said domain names including KYC, credit card, mobile number, etc. be also provided to the Plaintiffs.

14. Compliance of Order XXXIX Rule 3 CPC be effected within five days. Compliance and service is permitted through e-mail owing to the fact that the exact contact details or addresses of these parties are not known.

15. Issue notice to the Defendants, by all permissible modes, upon filing of process fee, returnable on 10th July, 2024. Reply to the application be filed within four weeks from the service of the present order along with the paper book.

16. List before the Court on 10th July, 2024.

SANJEEV NARULA, J

FEBRUARY 7, 2024/as



ANNEXURE – A

Particulars of Defendants No. 1 to 28

<i>S. No.</i>	<i>Domain Name</i>	<i>URL</i>	<i>IP Address</i>
Defendant No. 1			
1.	fzkidd.net	https://fzkidd.net	104.21.55.121
			172.67.148.24
Defendant No. 2			
2.	ofilmyzilla.com. ms	https://www.ofilmyzilla. com.ms	104.21.38.99
			172.67.221.129
3.	ofilmyzilla.com. ve	https://ofilmyzilla.com.v e	104.21.69.149
			172.67.209.93
4.	ofilmyzilla.it	http://ofilmyzilla.it	104.21.33.68
			172.67.159.135
Defendant No. 3			
5.	tamilyogi.plus	https://tamilyogi.plus	176.119.25.26
6.	tamilyogi.love	http://tamilyogi.love	176.119.25.26
7.	tamilyogi.band	http://tamilyogi.band	176.119.25.26
Defendant No. 4			
8.	soap2day.tel	https://soap2day.tel	104.21.94.221



			172.67.140.139
Defendant No. 5			
9.	myflixer.la	https://myflixer.la	111.90.141.93
10.	flixer.ph	https://flixer.ph	104.21.81.48
			172.67.188.46
11.	myflixer.ph	http://myflixer.ph	159.89.195.240
Defendant No. 6			
12.	sflix.watch	https://www1.sflix.watch	104.21.5.63
13.	sflixz.to	https://sflixz.to	172.67.183.133
Defendant No. 7			
14.	moviesmod.dev	https://moviesmod.dev	104.26.0.59
			104.26.1.59
			172.67.73.149
15.	moviesmod.wiki	https://moviesmod.wiki	104.21.53.236
			172.67.219.237
16.	moviesmod.one	https://moviesmod.one	104.21.79.159
			172.67.146.121
Defendant No. 8			



17.	freemovies360. Cc	https://freemovies360.cc	104.21.47.25
			172.67.170.17
Defendant No. 9			
18.	streamm4u.com	https://ww1.streamm4u.com	104.21.37.174
			172.67.210.200
19.	streamm4u.to	https://streamm4u.to	104.21.63.90
			172.67.145.21
Defendant No. 10			
20.	desicinemas.ink	https://desicinemas.ink	104.21.25.222
			172.67.134.204
Defendant No. 11			
21.	epxmovies.net	<u>https://epxmovies.net</u>	104.21.24.171
			172.67.219.195
Defendant No. 12			
22.	movi.pk	https://movi.pk	104.21.49.206
			172.67.192.136
Defendant No. 13			
23.	123moviesfree.m x	https://123moviesfree.m x	104.21.54.239
			172.67.169.131



Defendant No. 14			
24.	filmygallery.baby	https://filmygallery.baby	104.21.47.44
25.	filmygallery.app	http://filmygallery.app	104.21.79.78
26.	filmygallery.cab	https://filmygallery.cab	104.21.74.121
			172.67.158.91
27.	filmygallery.club	http://filmygallery.club	104.21.24.94
			172.67.218.37
28.	filmygallery.foo	http://filmygallery.foo	104.21.94.154
			172.67.137.201
29.	filmygallery.lol	http://filmygallery.lol	104.21.92.53
			172.67.186.207
30.	filmygallery.pro	http://filmygallery.pro	104.21.87.115
			172.67.143.6
Defendant No. 15			
31.	zorox.to	https://zorox.to	172.67.165.179



32.	zoro.vc	http://zoro.vc	104.21.66.209
Defendant No. 16			
33.	flixwave.to	https://flixwave.to	104.21.44.190
			172.67.203.60
Defendant No. 17			
34.	upmovies.to	https://upmovies.to	172.64.104.12
			172.64.105.12
Defendant No. 18			
35.	mydownloadhubt ube.net	https://mydownloadtube. net	104.21.36.51
			172.67.185.163
Defendant No. 19			
36.	movie-web.app	https://movie-web.app	104.21.32.108
			172.67.185.164
Defendant No. 20			
37.	moviekhhd.biz	https://moviekhhd.biz	104.21.1.9
			172.67.151.185
Defendant No. 21			
38.	movieshd.watch	https://movieshd.watch	104.21.42.172
			172.67.206.207



Defendant No. 22			
39.	goflixtor.com	https://goflixtor.com	104.21.28.235
			172.67.147.201
Defendant No. 23			
40.	cinehub.wtf	https://cinehub.wtf	107.189.2.163
Defendant No. 24			
41.	arc018.to	https://arc018.to	104.21.53.54
			172.67.209.35
Defendant No. 25			
42.	flixeplus.com	https://flixeplus.com	109.70.148.47
Defendant No. 26			
43.	netmovies.to	https://netmovies.to	104.21.31.158
			172.67.178.61
Defendant No. 27			
44.	aniwatch.to	https://aniwatch.to	104.26.10.10
			104.26.11.10
			172.67.69.17
Defendant No. 28			
45.	toonstream.in	https://toonstream.in	104.21.45.222