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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 135/2022**

DABUR INDIA LIMITED Plaintiff

Through: MD Sazid Rayeen, Advocate.
versus

ASHOK KUMAR AND ORS Defendants

Through: Ms. Kruttika Vijay, Ms. Aishwarya Kane and Mr. Rahul Bajaj, Advocates for D-5.
Mr. KG Gopalkrishnan and Ms. Nisha Mohandas, Advocates for D-7 (M: 8800556341).
Mr. Darpan Wadhwa, Sr. Advocate with Mr. Alipak Banerjee and Ms. Sweta, Advocates for D-15(M: 9987115749).
Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advocates (M: 9810788606).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **11.10.2022**

1. This hearing has been done through hybrid mode.

I.A. 16506/2022 (for exemption)

2. This is an application seeking exemption from filing original/certified, clear copies, prayer copies and documents with proper margins.

3. The same is allowed, subject to all just exceptions.

4. **I.A. 16506/2022** is disposed of.

I.A. 16505/2022 (seeking modification of order dated 14/09/2022)

5. This is an application filed on behalf of GoDaddy LLC (*hereinafter*



“GoDaddy”) further to the judgment dated 14th September, 2022.

6. Vide previous orders dated 13th and 14th September, 2022, various Domain Name Registrars (*hereinafter “DNRs”*) including GoDaddy, in this matter, as also in other connected matters, were directed to inform the Court of the details of their Grievance Officers, if any. In case of failure to do so, certain directions were issued to DoT/MeiTy to take action in accordance with law. On the said date, in so far as GoDaddy was concerned, the following observations were made by the Court:

“31. This Court has been hearing these DNR matters from time to time and several orders have been passed directing such DNRs to suspend/block infringing domain names and also provide registrant details. Further orders seeking inputs by DNRs as to their Grievance Officer and a mechanism to promptly ensure compliance with such orders have been passed.

32. However, insofar as GoDaddy is concerned, there is no clarity as to their position as on date. Clearly, there is no mechanism for enforcement of the Court's orders, as there seems to be no individual, who can be contacted through email or phone, for the purpose of giving effect to the orders passed by the Court. It is noted that Mr. Wadhwa has sought further time to verify the same.

33. As last and final opportunity, this Court permits GoDaddy, to appoint/inform the Court of the requisite Grievance Officers, latest by 20th September, 2022, in accordance with the IT Rules, 2021, and notify the same prominently on their websites, making the details of the Grievance Officers easily accessible in India. Upon failing to do so, MeitY and DoT are free to proceed against GoDaddy, in accordance with law. If GoDaddy is in compliance with the IT Rules, 2021 by 20th September, 2022 and appoints a Grievance Officer, it is permitted to move an application seeking



modification of today's order.”

7. In view of the above directions, the present application has been filed by GoDaddy to clarify that Ms. Karen Gaydos who was reflected as the Grievance Officer on GoDaddy.com, is the identified Grievance Officer in terms of Rule 3(2) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 as well. The details of the said Grievance Officer as set out in the previous order and now confirmed by GoDaddy, are as under:-

*Ms. Karen Gaydos,
Address: 2155 E GoDaddy Way,
Tempe AZ 85284
E-mail: grievanceofficer@godaddy.com*

8. It is further submitted by Mr. Wadhwa, Id. Sr. Counsel appearing on behalf of GoDaddy, that in paragraph 7 of the application, as also in the affidavit dated 16th September, 2022, GoDaddy has clarified that the said Grievance Officer was appointed in February, 2021, in compliance of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Paragraph 7 of the said application reads as under:-

“7. GoDaddy promptly filed an affidavit on 16 September 2022 ("Affidavit") confirming that the information on GoDaddy's website (i.e., <https://www.godaddy.com/en-in>) regarding the current and ongoing appointment of Ms Karen Gaydos as the Grievance Officer remains accurate. The Affidavit also provided the link that sets out the details of the Grievance Officer. It also confirmed that Ms. Karen Gaydos has been appointed in February 2021, in compliance under the IT Rules 2021, and can be reached at grievanceofficer@godaddy.com. A true copy of the Affidavit is marked and annexed hereto as



Document B.”

9. In view of the fact that GoDaddy has now clarified that the stated Grievance Officer exists to address grievances and to give effect to orders passed by this Court or any other Court or authority, it is clarified that no action be taken by DOT/MeitY against GoDaddy, till further orders of this Court.

10. Meanwhile, let a copy of this application also be shared with the other counsels appearing in the present suit being *CS (COMM) 135/2022*, as also in all connected matters. Let a copy of the application be also served upon Mr. Harish Vaidyanathan, Id. CGSC, who may obtain instructions from Ministry of Electronics and Information Technology (*hereinafter “MeitY”*), and the Department of Telecommunication (*hereinafter “DoT”*), to make submissions on the application on the next date. If DoT/MeitY wish to file an affidavit in this regard, they are permitted to do so.

11. At this stage, Ms. Kruttika Vijay, Id. Counsel appearing on behalf of Defendant No.5/Hosting Concepts B.V., similarly submits that the Grievance Officer has been appointed and the details are as under:

Mr. Robert Aguilar
Kipstraat 3C, 5C,
3011 RR Rotterdam,
Netherlands
E-Mail: support@openprovider.com

12. The said affidavit has been filed by Mr. Mohit Kambli, authorized signatory of Defendant No.5. This Court takes note of the same.

13. In view of the above submission of details of the Grievance Officers, it is also clarified that paragraphs 23 and 24 of the order dated 14th September, 2022 shall apply *mutatis mutandis* to GoDaddy and Hosting



Concepts B.V. The said paragraphs 23 and 24 reads as under:

“23. In so far as the grievance redressal mechanism is concerned, Mr. Krishnan submits that the Newfold Group is in compliance with Rule 3(2)(a) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter "IT Rules 2021"), as whenever any complaint is made by any user or victim, the acknowledgment is issued to said user/victim, within 24 hours and the complaint is disposed of within 15 days from the date of its receipt. He further submits that if any order is issued by any Court of competent jurisdiction or any order, notice or direction is issued by a governmental or competent authority, the same would be complied with in terms of the IT Rules 2021. Similarly, if any order granting injunction or directions with respect to infringing domain names or other orders with respect to infringing domain names are passed by this Court or any Court of law, the Grievance Officer would facilitate giving effect to such orders and ensure that the same are complied with, upon receiving a communication at the email addresses set out above. Mr. Krishnan however, submits that considering the time differences and the fact that some coordination may be required for such compliance across different offices of the DNRs, reasonable time of 48 to 72 hours maybe afforded for the purposes of the said compliance.

24. These submissions on behalf of the Newfold Group are recorded and the Newfold Group shall be bound by the same, in all matters where infringing domain names are involved. If the said Grievance Officer is changed in the future, such change shall also be notified by prominently publishing it the websites of each of the entities of the Newfold Group.”

14. Going forward, the Registry of this Court shall also take note of the names and the e-mail addresses of the Grievance Officer for each Domain



Name Registrar, and request any Plaintiff when it is filing suits against the said DNRs to serve the said Grievance Officer in advance, via e-mail. The details of the above Grievance Officers shall be published along with the other Grievance Officer details captured in paragraph 35 of the previous order dated 14th September, 2022, in the cause list as well in order to enable effective adjudication of domain name disputes.

15. List before the Joint Register on 18th November, 2022.

16. List before the Court on 1st December, 2022, the date already fixed.

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17. List before the Court on 1st December, 2022, the date already fixed.

PRATHIBA M. SINGH, J.

OCTOBER 11, 2022
MR/SS