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

+ **CS(COMM) 181/2021 & I.A. 5516/2021**

STAR INDIA PVT LTD & ANR. Plaintiffs

Through: Ms. Snehima Jauhari, Mr. Sidharth Chopra, Mr. Angad Singh Makkar, Advocates (M:9897896284)

versus

SAJID HUSSAIN Defendant

Through: Mr. Bhagvan Swarup Shukla, CGSC with Mr. Kamaldeep, Advocate for R-13&14 (M:9910483635)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **08.04.2022**

1. This hearing has been done through hybrid mode.

I.A. 5516/2021 (for stay)

2. The present suit was filed seeking permanent injunction restraining the infringement of the Plaintiffs' exclusive rights and reliefs for copyright(s), rendition of accounts, damages, etc. The Plaintiffs are a leading production and distribution company in India with exclusive media rights in content of different genres and languages, broadcasted through STAR Channels and/or Disney+Hotstar. The Plaintiffs are stated to have exclusive media and broadcasting rights over various content, including films, TV shows, sporting events, etc., The case of the Plaintiffs is that Defendant No.1, through the rogue application/software 'ThopTV' and other bridge domains/websites are showing illegal content, broadcasting various pirated shows, matches, live sporting events, web series, etc, without



authorization from the owners. Defendant No.1 is stated to be providing the said content free of cost as well as at premium. Accordingly, injunction is sought against the application - ThopTV and its various domain names, which are as under:

- (i) thoptypro.com
- (ii) thethopty.com
- (iii) thopty.online
- (iv) thoptypc.com
- (v) thopty-apk.in
- (vi) thoptyapps.com
- (vii) thopty-pc.com
- (viii) thethopty.net

3. Vide order dated 16th April, 2021, an interim injunction was granted restraining Defendant No.1 from streaming the Plaintiffs' content through its application- ThopTV or through its websites- thethopty.com, thopty.online, thoptypc.com, thopty-apk.in, thoptyapps.com, thoptypro.com, thopty-pc.com, thethopty.net, indianabones .buzz, teslamodelz.buzz. The ISPs were also directed to block the impugned domains of Defendant No.1 and all its collaborators. Further, the Defendant No.13/Department of Telecommunications (*hereinafter "DoT"*) and Defendant No.14/Ministry of Electronics and Information Technology (*hereinafter "MEITY"*) were also directed to issue notifications to block access to the impugned domains. The Registrars of Domain Names were also directed to suspend the said domains. The said order reads as under:

*"14. Consequently, till the next date of hearing:
(i) defendant No. 1, its owners, partners,*



proprietors, officers, servants, affiliates, employees and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, are restrained from, in any manner, communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public, and/or making available for viewing, the plaintiffs' content through its application "Thop TV" or through the domains/websites - thethoptv.com, thoptyv.online, thoptyvpc.com, thoptyv-apk.in, thoptyvapps.com, thoptyvpro.com, thoptyv-pc.com, thethoptv.net, indianabones.buzz, teslamodelz.buzz and/or any other application/domains/websites.

ii) defendant Nos. 2 to 10 are directed to block access to various domains names of defendant No. 1 and/or its collaborator websites within 72 hours of receipt of this order.

iii) defendant No. 11 is directed to deactivate/suspend the domain name registration of thoptyv-apk.in.

iv) defendant No. 12 is directed to deactivate/suspend the domain name registration of thoptyvpro.com and thoptyvapps.com.

v) defendant Nos. 13 & 14 are directed to issue notifications calling upon the internet & telecom service providers to block access to various domains of defendant No. 1 and/or its collaborator websites.

vi) in case the plaintiffs come across any other domain names/websites carrying out the infringing activities, the plaintiffs would file an affidavit before this Court and on such an affidavit being filed, the directions contained above would also apply to such subsequent domain names/websites.”



4. Considering the nature of the matter, the interim injunction already granted vide order dated 16th April, 2021, is made absolute during the pendency of the suit.

5. Accordingly, *I.A. 5516/2021* is disposed of.

CS(COMM) 181/2021

6. Further to order dated 16th April, 2021, summons has been issued. Subsequently, vide order dated 25th February, 2022, the Court had observed that all the Defendants have been served but none has appeared. Mr. Shukla, ld. counsel, appears for DoT and MIETY. Other defendants are proceeded *ex-parte*.

7. Since the Plaintiff is seeking a permanent injunction *qua* the application 'ThopTV' itself and various domains of the said application, this Court is of the opinion that evidence ought to be led in this matter, at least by two witnesses - one on behalf of the Plaintiff and one being an who may have enquired into the Defendant's activities.

8. Accordingly, issues are framed in this suit as under:

1. Whether Defendant No.1's application - 'ThopTV' is a rogue application predominantly hosting infringing content? OPP
2. If the answer to (1) above is in the affirmative, are Defendant No.1's application - 'ThopTV' along with the various domains/websites of ThopTV as stated in the plaint liable to be permanently injuncted? OPP
3. Whether the Plaintiff is entitled to any relief of damages/costs/etc., and if so to what amount? OPP

9. The affidavits in evidence be filed within six weeks.



10. List before the Joint Registrar, for filing of affidavits in evidence and for marking of exhibits on 6th July, 2022.

11. List before the Court on 8th August, 2022. On the said date, the two deponents of the affidavits in evidence, shall remain present in Court, for recordal of their examination in chief and for cross examination, if any.

PRATHIBA M. SINGH, J.

APRIL 8, 2022/aman/MS