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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 401/2021**
UNIVERSAL CITY STUDIOS LLC AND ORS.

.....Plaintiff

Through: Mr. Sanidhya Rao, Ms. Disha Sharma
& Ms. Suhasini Raina, Advs.

versus

MYFLIXER.TO AND ORS.Defendant

Through: None.

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER

% **21.03.2022**

I.A.No.3936/2022 (under Section 151 CPC filed on behalf of the plaintiffs for exemption)

1. Heard.
2. The captioned IA is allowed subject to all just exceptions.
3. Let the certified/clearer/proper/translated/original copies of documents with proper margins, be filed within four weeks in case any objection has been raised by the Registry in this regard.
4. IA stands disposed off.

I.A.No.3935/2022 (under Order I Rule 10 CPC filed on behalf of the plaintiffs seeking impleadment of Additional Mirrors, Redirects, or alphanumeric variations as defendant in the Memo of Parties)

1. Heard.
2. By way of this application the plaintiff seeks to implead 22 websites, details of which are given in para no.2 of the application,



as defendant no.71 to 92, on the ground that these are merely additional mirror/redirect/alphanumeric variations of the already injuncted defendants no.1 to 37 websites which are involved in infringement of copyrighted material of the plaintiff. The proposed defendants are hydra headed websites which merely provide a new means of accessing the same primary infringing websites that have been injuncted.

3. The plaintiff has annexed an affidavit of the Investigator along with evidence and Whois details in support of the claim that the proposed defendant no.71 to 92 are the additional mirror/redirect/alphanumeric variations of the already injuncted websites.
4. Learned counsel for the plaintiff has relied upon the judgment of Hon'ble High Court in '*UTV Software Communication Ltd. and Anr. Vs. 1337x.to & Ors*'. CS (COMM) 724/2017 in support of her contentions and argued that in view of the aforesaid decision the mirror/redirect/alphanumeric variations of the already injuncted websites are ought to be impleaded and no notice is required to be issued to them.
5. In the judgment relied upon by learned counsel for the plaintiff, the Hon'ble High Court had permitted the plaintiffs therein to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites.
6. In the present case, plaintiff has averred specifically in para no.2 of the application that the proposed defendant no.71 to 92 are the



mirror/redirect/alphanumeric websites of the already enjoined websites. An affidavit of AR of the plaintiff is annexed with the application. An affidavit of Investigator, along with screenshots reflecting the proposed defendants as mirror/redirect/alphanumeric websites is also annexed. There is no reason to disbelieve the affidavits filed by the plaintiff.

7. In view of the averments made in the application and the decision of Hon'ble Court in 'UTV Software' (supra) the proposed defendant websites are impleaded as defendant no.71 to 92. The amended memo of parties filed with the application is taken on record.
8. The plaintiff, by way of this application also prays that the ex-parte ad interim injunction qua defendant no. 71 to 92, and directions qua defendant no.38 to 46 and 47 to 48 be extended against the newly impleaded defendants as well. The Hon'ble Court, vide order dated 31/08/2021, granted ex-parte injunction and directions in favour of the plaintiff in terms of prayer para 5 (i), prayer para 5 (ii) and prayer para 5 (iii) of IA 10898/2021 wherein the plaintiff had sought temporary injunction and directions not only against the existing defendants no.1 to 48 but also against other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the infringing websites. On attention of learned counsel for the plaintiff having been invited to the said directions of Hon'ble Court, it is submitted that the relief sought in the captioned IA, except the relief regarding impleadment, has already been granted.



9. Impleadment having been allowed by way of today's order, nothing more survives in the present application.
10. The IA accordingly stands disposed off in aforesaid terms.

CS(COMM) 401/2021 & I.A.No.10898/2021 (under Order XXXIX Rule 1 & 2 CPC)

1. Affidavit of service has been filed by the plaintiff according to which notice has been sent to the defendant no.1 to 48 by e-mail.
2. Written statement and reply has however not been filed by any of the defendants.
3. It is noted that the defendant no.50 to 70 were impleaded vide order dated 22/12/2021. The defendant no.71 to 92 have been impleaded today.
4. Let summons of the suit and notice of the captioned IA be issued to the newly impleaded defendant no.50 to 92 also, on steps being taken by the plaintiff, by e-mail, returnable for the next date.
5. The remaining served defendants i.e. defendant no.1 to 48 may complete the pleadings as per law.
6. Re-notify the matter for completion of service, completion of pleadings and admission/denial of the documents on **24th May, 2022.**

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MARCH 21, 2022/nk

[Click here to check corrigendum, if any](#)